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# The Perfect Storm: An Analysis of Discriminatory Policing in East Haven (CT)

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**THE PERFECT STORM:  
AN ANALYSIS OF DISCRIMINATORY POLICING IN EAST  
HAVEN (CT)**

A thesis presented

By Amanda Gurren

to

The Public Policy & Law Department and the Urban Studies Department

in partial fulfillment of the requirements  
for Honors in Public Policy & Law and Urban Studies

Trinity College  
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## Introduction

The prevalence of police brutality and discriminatory policing nationwide raises a number of troubling questions. It is not merely a question of how widespread the issue of unconstitutional policing is, however. Rather, it is a question of why it occurs and identifying the factors that lead some communities to experience discriminatory policing more than others. It has been common, for example, for inner-ring suburbs in the US like Ferguson, Missouri which experience rapid demographic transformation to also see an upsurge in discriminatory policing claims.<sup>1</sup> This thesis specifically examines discriminatory policing that targets Latino immigrants. A broader survey of the relevant literature suggests that in addition to demographic change factors, the devolution of Federal immigration enforcement policies, the minority/Latino threat narrative, the political leanings of the community, and the formal and informal policies of the police department contribute to local restrictions against immigrants. East Haven, Connecticut produced a perfect storm of these factors in the 21<sup>st</sup> century; however, many towns around the U.S. share these characteristics at this moment. What enabled things to go drastically wrong in East Haven was the combination of these factors with pre-existing low levels of bridging social capital.

Incorporated in 1839, East Haven is an inner-ring suburb of the incredibly immigrant-receptive city of New Haven, Connecticut. It is situated approximately thirty-five miles south of Hartford (CT), eighty-two miles north of New York City, and 140 miles south of Boston. As depicted in Table 1.1, it is regarded as a middle-class town

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<sup>1</sup> Ehrenhalt, A. (2012). *The great inversion and the future of the American city*. Alfred A. Knopf Incorporated.

with a median income of \$59,918, as compared to the statewide median income of \$67,098.<sup>2</sup> Approximately 7.8 percent of the population is living below the poverty line, as compared to 10.2 percent statewide.<sup>3</sup>

**Table 1.1. Median Income (2013) and Percent of Persons Below Poverty Line (2009-2013)**

	Median Income (2013)	Percent of Persons Below Poverty Line 2009-2013
East Haven	\$59,918	7.8%
New Haven	\$36,530	12.4%
Madison	\$106,197	2.2%
Connecticut	\$67,098	10.2%
United States	\$53,046	15.4%

**Source:** U.S. Census Bureau 2013 Data

Historically, East Haven has been regarded as a predominantly white area. The vast majority (82.6 percent) of the town’s residents are non-Hispanic white, 2.9 percent are Black or African American alone, 3.3 percent are Asian alone, and 1.6 percent are two or more races.<sup>4</sup> According to recent Census figures, 10.29 percent of persons identify themselves as Hispanic or Latino.<sup>5</sup> This marks a substantial growth in the Latino population (145.28 percent) from 4.3 percent in 2000.<sup>6</sup> This is starkly different than the demographic composition of neighboring New Haven, Connecticut, which is a minority-majority area. According to data collected from the 2010 U.S. Census Bureau, 31.8 percent of New Haven’s residents identify themselves as non-Hispanic white, 35.4

<sup>2</sup> Bureau, U. S. C. (2013). American FactFinder - Results. Retrieved March 23, 2015, from <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

<sup>3</sup> Ibid.

<sup>4</sup> East Haven CDP QuickFacts from the US Census Bureau (2010). Retrieved from, <http://quickfacts.census.gov/qfd/states/09/0922980.html>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.



percent are Black or African American alone, 4.6 percent are Asian alone, and 27.4 percent are Hispanic or Latino.<sup>7</sup>

Beginning in the mid-2000s, the demographics of East Haven began to rapidly shift as Latinos started moving to the town from New Haven for cheaper rent and a calmer life.<sup>8</sup> Shops with names like Los Amigos and La Bamba's proliferated on the west end of Main Street—and for many of the town's white residents such a change in the streetscape presented an existential threat.<sup>9</sup> Ferdinando Cerrato, a 79-year-old long-time Italian resident of East Haven, commented on the rapid transformation of the town: "They've destroyed our culture and our history... Everything you see and everywhere you go, everything is in Spanish."<sup>10</sup> Cerrato's sentiments are shared by a number of East Haven residents who are also resistant to embracing the town's new residents, and in effect, identity.

In September of 2009, the Civil Rights Division of the United States Department of Justice opened an investigation of the East Haven Police Department pursuant to allegations that officers of the East Haven Police Department (EHPD) were engaging in biased policing, excessive force, and unconstitutional searches and seizures against the town's Latino residents.<sup>11</sup> In December 2011, following an exhaustive investigation, the Department of Justice released their report, concluding that the East Haven Police

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<sup>7</sup> U.S. Census Bureau. 2010. New Haven Quick Facts. Retrieved from, <http://quickfacts.census.gov/qfd/states/09/0952000.html>

<sup>8</sup> Wessler, S. (2012, February 2). How East Haven, Conn., Became Synonymous With Racial Profiling. *COLORLINES*. Retrieved April 13, 2015, from [http://colorlines.com/archives/2012/02/on\\_sunday\\_afternoon\\_about\\_ten.html](http://colorlines.com/archives/2012/02/on_sunday_afternoon_about_ten.html)

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Department of Justice, Civil Rights Division. (2011, December 19). East Haven Findings Letter. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/easthaven\\_findletter\\_12-19-11.pdf](http://www.justice.gov/crt/about/spl/documents/easthaven_findletter_12-19-11.pdf)

Department engaged in a pattern of systematically discriminating against Latinos, a violation of the Fourteenth Amendment to the Constitution, Title VI of the Civil Rights Act of 1964, the Violent Crime Control and Law Enforcement Act of 1994, and the Omnibus Crime Control and Safe Streets Act of 1968.<sup>12</sup> In January 2012, following the release of the Report, Sergeant John Miller and three other officers were arrested by the FBI on charges of conspiracy, false arrest and excessive force and obstruction of justice in connection with the investigation.<sup>13</sup> Shortly after the arrests, the Chief of the police department, Leonard Gallo, faced with mounting pressure, retired after being named as “Co-Conspirator-1” in the indictment against Sergeant John Miller and the three officers.<sup>14</sup>

Following the release of the Department of Justice’s investigative findings and the subsequent indictment of the sergeant and police officers, the Town of East Haven and the police department complied with the Department of Justice order and implemented changes to the East Haven Police Department’s policies and procedures in accordance with a settlement agreement.<sup>15</sup> Under this agreement and new Police Chief Brent Larrabee, East Haven has developed what some are referring to as a “model policy” for municipal policing with respect to immigration. Under East Haven’s new policy, Policy 428.2, the police department has “agreed to limit questioning of persons about

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<sup>12</sup> Ibid.

<sup>13</sup> Kowalski, D. (2014, June 10). \$450K Settlement with East Haven, Conn. Includes “Model” Immigration Component. Retrieved October 9, 2014, from <http://www.lexisnexis.com/legalnewsroom/immigration/b/outsidenews/archive/2014/06/10/450k-settlement-with-east-haven-conn-includes-39-model-39-immigration-component.aspx>

<sup>14</sup> Ibid.

<sup>15</sup> “An Agreement for Constitutional and Effective Policing.” 2012. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/ehpd\\_settlement\\_10-22-12.pdf](http://www.justice.gov/crt/about/spl/documents/ehpd_settlement_10-22-12.pdf)

immigration status, enforcement of immigration detainers, making arrests based solely on violations of civil immigration law, and communicating with Immigration and Customs Enforcement.”<sup>16</sup> The policy also requires that “East Haven cops will not ask anyone about his or her immigration status or ask to see passports, visas, or green cards. Cops will not arrest people for violating civil immigration laws, or make arrests or extend detentions on behalf of the federal Immigration and Customs Enforcement (ICE) agency.”<sup>17</sup>

Accordingly, this thesis seeks to identify and understand the factors that contributed to East Haven’s abusive policies/police harassment of Latinos, as well as to see if the new policing/immigration strategies adopted by the EHPD can improve local relations and trust among Latinos. To better understand the factors that contributed to East Haven’s abusive policies/police harassment of Latinos, I conducted a series of interviews in East Haven, coupled with analysis of local documents and press coverage.

## **Methodology**

Between November 19, 2014 and March 6, 2015, I conducted ten interviews with informants from East Haven and the surrounding area. I interviewed two current police personnel at the East Haven Police Department, seven East Haven residents, and one

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<sup>16</sup> Kowalski, D. (2014, June 10). \$450K Settlement with East Haven, Conn. Includes “Model” Immigration Component. Retrieved October 9, 2014, from <http://www.lexisnexis.com/legalnewsroom/immigration/b/outsidenews/archive/2014/06/10/450k-settlement-with-east-haven-conn-includes-39-model-39-immigration-component.aspx>

<sup>17</sup> MacMillan, T. (2010, April 23). Report: East Haven Police Target Latinos. *New Haven Independent*. Retrieved April 1, 2015, from [http://www.newhavenindependent.org/index.php/archives/entry/report\\_tickets\\_show\\_east\\_haven\\_targets\\_latinos/](http://www.newhavenindependent.org/index.php/archives/entry/report_tickets_show_east_haven_targets_latinos/)

individual who works at a New Haven-based immigration-rights advocacy clinic. Six of those interviewed are male and four are female. Seven are non-Latino and three are Latino.

**Table 1.2 Interviewee Composition**

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Male	6
Female	4
Latino	3
Non-Latino	7

Informants were recruited primarily by me and by my research partner, Bettina Gonzalez. The first informants were the two police personnel at the East Haven Police Department: Police Chief Brent Larrabee and Lieutenant David Emerman. Brent Larrabee initially contacted my advisor, Professor Abigail Williamson, to come to East Haven to investigate the factors that led to the discriminatory policing and incidences of abuse. She then referred me and my partner to do the study ourselves. Subsequently, my partner and I contacted Brent Larrabee and he recommended we talk to Lieutenant David Emerman as well. Both Larrabee and Emerman suggested several names of persons we should contact, including one of my other informants, Marcia Chacon. In addition to the individuals recommended by Larrabee and Emerman, I delved through local press relating to the events that transpired for persons whom might be willing to speak to me. Through this process, I was able to recruit several other informants. The remaining informants were recruited by my going to the central business district of East Haven and approaching persons individually to interview.

The interviews were “semi structured” drawing on an interview guide, incorporating several questions relating to East Haven’s recent policing issues and the immigration policies that have since been developed. Informants were all asked the same set of opening questions. These questions were relatively general, asking about East Haven as a whole and any changes the town has undergone in recent years. The following questions asked were then tailored to the specifics of the interviewee and his or her relation to the events that transpired. Police personnel, for example, were asked questions relating to how the department functioned at the time the discriminatory policing occurred. Conversely, “persons-on-the street” were asked questions concerning any “big” changes the town has experienced in the last decade and local relations surrounding the town’s increase in its Latino/immigrant populations. Refer to Appendix A for the full interview guide.

Given the sensitivity of the topic at hand, I knew that it would be difficult to extract honest, truthful answers from individuals. My inclinations proved correct as I faced consistent reluctance on behalf of persons to agree to do an interview with me. To encourage receptivity and limit the possibility of self-censorship, I offered informants complete confidentiality. Five out of the ten informants requested that their identities remain confidential. Accordingly, for purposes of this thesis, I assigned each of the five informants an ID using the following process: the first letter indicated his or her gender (M=male, F=female), and the next number(s) indicated the chronological reference of my series of interviews (i.e. the first informant I interviewed would be assigned a “1”).

Lastly, in addition to the interviews, I conducted a case study of East Haven. I examined its social and political climate, the claimed ancestries of its residents, and its

social capital. The sources I used consisted of city council documents, census data, legal documents, local press, and federal reports.

### **Chapter Outline**

This thesis is organized as follows. To begin, I will present a literature review that discusses the relevant studies and prevailing hypotheses pertaining to the causes of discriminatory policing and immigration. Next, I provide a detailed account of what happened in East Haven—specifically, the civil law suit filed by a Yale Law clinic on behalf of several Latino residents, the Department of Justice’s investigative findings and subsequent settlement agreement, and the anti-immigrant police ring known as the “Miller’s Boys.” Third, I explain how the hypotheses relating to federal policies, threat, partisanship, and community accountability relate to East Haven in varying degrees. Lastly, I argue that in addition to these factors provided above, the social context and underlying culture of East Haven created a conducive environment in which the factors outlined in other theories could combine to produce anti-immigrant policing behavior.

## Chapter 2. Review of the Literature

The Latino population is growing rapidly in the country. Data from the 2010 Census shows that Latinos now account for one-sixth of the total United States population.<sup>18</sup> This increase in population has been accompanied by a noticeable change in the group's composition. From 1992 to 2004, the number of illegal immigrants increased, while the number of legal immigrants declined, although these trends may have reversed in the subsequent economic downturn.<sup>19</sup>

Significantly, the settlement patterns of Latino immigrants have changed tremendously as well. Traditionally, Latino immigrants concentrated in central cities. Today, however, many Latino immigrants are foregoing migrating to cities and opting instead to arrive directly in rural or suburban destinations.<sup>20</sup> According to the Center on Urban & Metropolitan Policy and Pew Hispanic Center, fifty-four percent of all Latinos now reside in the suburbs.<sup>21</sup> This represents a slight increase from 1990, where the central-city and suburban Latino populations were essentially identical.<sup>22</sup>

Although some suburban areas are dealing gracefully with this demographic transformation—implementing various programs and strategies to encourage immigrant

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<sup>18</sup> Office, U. C. B. P. I. (2010). 2010 Census Shows Nation's Hispanic Population Grew Four Times Faster Than Total U.S. Population - 2010 Census - Newsroom - U.S. Census Bureau. Retrieved April 14, 2015, from [https://www.census.gov/newsroom/releases/archives/2010\\_census/cb11-cn146.html](https://www.census.gov/newsroom/releases/archives/2010_census/cb11-cn146.html)

<sup>19</sup> Passel, Jeffrey and Roberto Suro. 2005. Rise, Peak and Decline: Trends in U.S. Immigration 1992–2004. Pew Hispanic Center: Washington, DC. September. Retrieved from, <http://pewhispanic.org/reports/report.php?ReportID=53>.

<sup>20</sup> Ibid.

<sup>21</sup> Singer, A., & Suro, R. (2002). Latino Growth in Metropolitan America: Changing Patterns, New Locations. *The Brookings Institution*. Retrieved April 14, 2015, from <http://www.brookings.edu/research/reports/2002/07/demographics-suro>

<sup>22</sup> Ibid.

integration—others have responded with blatant hostility. Determining why certain areas are more receptive than others toward new residents and why this hostility arises is vital in terms of understanding why these events transpired in East Haven.

Relevant literature suggests that in addition to demographic change factors such as those provided above, the devolution of Federal immigration enforcement policies, the minority/Latino threat narrative, the political leanings of the community, and the formal and informal policies of the police department contribute to local restrictions against immigrants.

### **Federal Policies**

Although the Supreme Court has repeatedly affirmed that the federal government has exclusive authority to enact and enforce immigration laws, in the last thirty years, there has been an important shift in the federalism of immigration law.<sup>23</sup> Our systems of immigration and criminal enforcement have gradually converged as the federal government progressively calls upon local police officers to help in the effort of enforcing our nation's immigration laws through Agreements of Cooperation in Communities to Enhance Safety and Security (known as ICE ACCESS).<sup>24</sup>

Consequently, it has been argued that Federal legislative pressures have drastically shaped localities' interactions with immigrants.<sup>25</sup> Traditionally, metropolitan areas with sizeable populations of immigrants opposed the deputizing of their police

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<sup>23</sup> Sweeney, M. (2014). Shadow Immigration Enforcement and Its Constitutional Dangers. *Journal of Criminal Law and Criminology*, 104(2), 227.

<sup>24</sup> ICE ACCESS Programs-Fact Sheet. Retrieved December 4, 2014, from [https://www.weareoneamerica.org/ice-access-programs-fact-sheet#\\_ftn1](https://www.weareoneamerica.org/ice-access-programs-fact-sheet#_ftn1)

<sup>25</sup> Lewis, P. G., Decker, S. H., Provine, D. M., & Varsanyi, M. W. (2013). Empowering local police to enforce US immigration policy has led to a patchwork of inconsistent measures. *LSE American Politics and Policy*.



officers, because they believed that it would erode the trust local police seek to build over time with immigrant communities. They believed that in addition to it eroding trust, it would discourage immigrants from reporting crimes, thereby rendering those communities less safe. Nonetheless, over the years, a number of state officials have enacted laws that allow—and sometimes, require—local officers to carry out roles as federal law enforcement officials. Arizona’s SB1070, for example, requires local police to check for immigration violations when they encounter someone they suspect may be an unauthorized immigrant.<sup>26</sup> Significantly, this legislation forbids local governments from limiting police cooperation with federal immigration authorities.<sup>27</sup> Another example of popular legislation requires officers to verify the immigration status of every person who is stopped, detained, or arrested.<sup>28</sup> Other localities have responded by creating a more “formal linkage” to ICE by operating under programs, such as the Section 287(g) Program or the Secure Communities Program.<sup>29</sup>

The 287(g) Program allows a state and local law enforcement entity to enter into a partnership with ICE. Upon entering said partnership, the state or local entity receives delegated authority for immigration enforcement within their jurisdictions.<sup>30</sup> Currently, there are 63 active 287(g) partners operating in twenty different states and a total of 849

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Kobach, K. W. (2005). Quintessential Force Multiplier: The Inherent Authority of Local Police to Make Immigration Arrests, *The Alb. L. Rev.*, 69, 179.

<sup>29</sup> Lewis, P. G., Decker, S. H., Provine, D. M., & Varsanyi, M. W. (2013). Empowering local police to enforce US immigration policy has led to a patchwork of inconsistent measures. *LSE American Politics and Policy*.

<sup>30</sup> ICE. (n.d.). Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act. *U.S. Immigration and Customs Enforcement*. Retrieved April 15, 2015, from <http://www.ice.gov/factsheets/287g>

cross-designated officers have been trained and certified by ICE.<sup>31</sup> Since January 2006, ICE tributes the 287(g) Program for identifying over 70,000 individuals suspected of being in the country illegally.<sup>32</sup>

Tom K. Wong's study (2012) revealed several significant trends with respect to counties' partnerships with ICE since the 287(g) Program began.<sup>33</sup> To begin, the number of 287(g) county-level partnerships has drastically increased in recent years.<sup>34</sup> Second, after having conducted a comparison between counties that have applied to become 287(g) partners with all counties in the United States, Wong (2012) found that the average population size of the counties that have applied to become 287(g) partners is approximately four times higher than the U.S. county size average.<sup>35</sup> This in effect led Wong (2012) to hypothesize that population characteristics may play a significant role in county decisions to pursue formal cooperation with ICE under the 287(g) Program.<sup>36</sup> Lastly, the average percentage of foreign-born residents and non-citizens in counties that have submitted 287(g) requests is 1.15 and 1.28 times higher, respectively, than the commensurate averages for all other counties.<sup>37</sup>

Another tool ICE uses to engage state and local law enforcement in immigration enforcement and control is the Secure Communities Program. Since its introduction in March 2008 by the Bush Administration, it has been distinguished as a "simplified model

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<sup>31</sup> Wong, T. K. (2012). 287(g) and the Politics of Interior Immigration Control in the United States: Explaining Local Cooperation with Federal Immigration Authorities. *Journal of Ethnic and Migration Studies*, 38(5), 737–756.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

for state and local cooperation with federal immigration enforcement.”<sup>38</sup> The Secure Communities Program is designed to identify immigrants in the United States who are deportable under immigration law. Participating jails submit arrestees’ fingerprints not only to criminal databases, but to immigration databases as well, thereby allowing ICE access to information on individuals held in jails.<sup>39</sup> Under President Obama, the program has expanded dramatically. As of September 27, 2011, Secure Communities is active in 1,595 jurisdictions in forty-four states and territories.<sup>40</sup> As of September 30, 2011, it has been reported that over 11,000,000 fingerprint submissions have resulted in 692,788 database matches and the removal of 142,000 undocumented persons from the country.<sup>41</sup>

The findings of a report done by Kohli, Markowitz, and Chavez (2011) paint a rather grim picture of the system, where persons are “pushed through rapidly, without appropriate checks or opportunities to challenge their detention and/or deportation.”<sup>42</sup> The report also suggests that the program has not “stayed true to its stated goal” of removing only those who pose a serious threat to public safety.<sup>43</sup> Instead, it has resulted in the mass deportation of low-level offenders, such as people who violate traffic laws and even people without criminal backgrounds.<sup>44</sup> Most significant of these findings is that Latinos are disproportionately impacted by Secure Communities. The data indicate that ninety-

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<sup>38</sup> American Immigration Council. (n.d.). Secure Communities: A Fact Sheet | Immigration Policy Center. *Immigration Policy Center*. Retrieved April 15, 2015, from <http://www.immigrationpolicy.org/just-facts/secure-communities-fact-sheet>

<sup>39</sup> Ibid.

<sup>40</sup> Kohli, A., Markowitz, P. L., & Chavez, L. (2011). Secure communities by the numbers: An analysis of demographics and due process. *the Chief Justice Earl Warren Institute on Law and Social Policy, Berkeley, Calif.*

<sup>41</sup> Ibid.

<sup>42</sup> Ibid, pg.2

<sup>43</sup> Ibid, pg.3

<sup>44</sup> Ibid.

three percent of the people identified for deportation through Secure Communities are from Latin American countries, while two percent are from Asia and one percent are from Europe and Canada.<sup>45</sup> The overwhelmingly large percentage of Latinos among those identified for deportation by Secure Communities raises serious questions about local policing practices, and more broadly, police-minority relations.

Although little literature exists regarding the consequences such immigration policy has had, there has been some general consensus amongst scholars concerning the problems that arise when police officers act as federal immigration officials. To begin, the fact that local police have the authority to enforce immigration law has instilled great fear in the Latino community. Waslin (2003) explains that this has resulted in an unwillingness on behalf of Latino persons to cooperate with law enforcement and to report crimes—thereby, making communities less safe.<sup>46</sup>

The decentralization of immigration enforcement responsibilities in the United States has allowed local governments to pursue various restrictive immigration policies. However, it does not adequately explain why some localities have enacted such restrictive policies, while others have not. That said, many localities have worked to foster immigrant integration—enacting inclusionary laws, creating municipal identification cards, and allowing all residents—regardless of legal status—to participate in school board and/or other local elections.<sup>47</sup> Studies examining what accounts for this convergence in localities' receptiveness toward immigrants have identified factors

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<sup>45</sup> Ibid.

<sup>46</sup> Waslin, M. (2003). *The New Meaning of the Border: US-Mexico Migration Since 9/11. Center for US-Mexican Studies.*

<sup>47</sup> Walker, K. E., & Leitner, H. (2011). The Variegated Landscape of Local Immigration Policies in the United States. *Urban Geography*, 32(2), 156–178. doi:10.2747/0272-3638.32.2.156

relating to the minority threat hypothesis. Such factors include the presence of threatening minorities and specifically, the negative rhetoric surrounding undocumented immigrants—namely, the “Latino Threat” narrative—coupled with the framing of local demographic change.

### **Minority/Latino Threat**

Police-minority relations have long been a focus of scholarly research. The minority threat hypothesis has been one of the most prominently used theories to explain causes of police brutality.<sup>48</sup> Grounded in the conflict theory of law, it maintains that “the presence of threatening minorities predicts the use of coercive crime control mechanisms, which help maintain the existing order.”<sup>49</sup> In this view, the strained relations between minorities and police arise from enduring racial and ethnic divisions institutionalized in American society.<sup>50</sup>

Traditionally, this theory has been used to explain how the majority implements legal controls, such as the police, and other restrictive measures to maintain their dominant status and control subordinate groups who threaten their interests.<sup>51</sup> This hypothesis maintains that social control measures directed against minorities intensify as the minority population grows larger in size.<sup>52</sup> However, several subsequent studies, inspired by the minority threat hypothesis, have found that it is not necessarily the absolute concentrations of minority persons in a given community that determines the

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<sup>48</sup> Smith, B. W., & Holmes, M. D. (2003). Community Accountability, Minority Threat, and Police Brutality: An Examination of Civil Rights Criminal Complaints\*. *Criminology*, 41(4), 1035–1064. doi:10.1111/j.1745-9125.2003.tb01013.x, pg.1037

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Blalock, H. M. (1967). Toward a theory of minority-group relations.

<sup>52</sup> Ibid.

mobilization of punitive and law enforcement responses. Rather, it is the pace of demographic change occurring within the respective area.<sup>53</sup>

Though it is true that localities often have legitimate interests in providing additional police personnel for distressed communities, research has demonstrated that a number of localities have over deployed the police as a response to increased minority presence.<sup>54</sup> It has been hypothesized that such over deployment of police personnel translates not only to furthering the divide between police and the minority public, but to escalating violence on behalf of the minority populations.<sup>55</sup> Jackson (1989) explains, “Since policing is a tangible manifestation of authority, it taps the pool of resentment in those without resources...Subordinate groups still view the police as a repressive tool of the dominant group. As a consequence, policing often triggers the unleashing of hostility and violence.”<sup>56</sup>

This minority threat hypothesis—regardless if it is empirically validated—attests to the dangers associated with this idea of a modern nation-state, particularly this idea of a national ethos.<sup>57</sup> Although the United States prides itself for embodying the virtues of tolerance, multiculturalism, and inclusion, it nonetheless maintains this idea that its national sovereignty was built on some sort of ethnic genius—namely, white protestant males.<sup>58</sup> Thus, as Appadurai (2006) argues, when minorities come into a certain, predominantly-majority country, natives of said country perceive them as a threat to the

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<sup>53</sup> Ibid.

<sup>54</sup> Jackson, Pamela Irving. 1989. *Minority Group Threat, Crime, and Policing: Social Context and Social Control*. New York: Praeger

<sup>55</sup> Ibid.

<sup>56</sup> Ibid, pg.20

<sup>57</sup> Appadurai, A. (2006). *Fear of small numbers: An essay on the geography of anger*. Duke University Press.

<sup>58</sup> Ibid.

identity—and in essence, the heart—of their country.<sup>59</sup> While much of the research on minority threat has focused on black-white relations, more recent findings suggest that threat functions similarly in communities with growing Latino populations.

The majority of contemporary U.S. public discourse pertaining to Latino immigration has been, by and large, negative and laden with stereotypes. Racial stereotypes are relevant to opinion formation about public policy, because they influence information processing and in effect, decision making.<sup>60</sup> Accordingly, some scholars contend that Latino immigrant settlement disrupts the sense of place, identity, and belonging for long term residents.<sup>61</sup> Samuel Huntington (2004) argues that the persistent inflow of Hispanic immigrants threatens to divide the United States into “two peoples, two cultures, and two languages.”<sup>62</sup> He argues that unlike past immigrant groups, Mexicans and other Latinos have not assimilated into mainstream U.S. culture, forming instead their own political and linguistic enclaves, thereby threatening the country’s cultural and political integrity.<sup>63</sup>

Leo Ralph Chavez (2013) discusses this ‘Latino Threat’—as advocated by Huntington. Accordingly, Chavez states that the “Latino Threat Narrative” posits that Latinos are not like previous immigrant groups, who ultimately became part of the

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<sup>59</sup> Ibid.

<sup>60</sup> Burns, P., & Gimpel, J. G. (2000). Economic insecurity, prejudicial stereotypes, and public opinion on immigration policy. *Political Science Quarterly*, 115(2), 201-225.

<sup>61</sup> Casakin, H., & Bernardo, F. (Eds.). (2012). *The Role of Place Identity in the Perception, Understanding, and Design of Built Environments*. BENTHAM SCIENCE PUBLISHERS. Retrieved from <http://www.eurekaselect.com/100458/volume/1>

<sup>62</sup> Huntington, S. P. (2004). The Hispanic challenge. *Foreign policy*, 141(2), 30-45.

<sup>63</sup> Ibid.

nation.<sup>64</sup> The narrative further provides that Latinos are unwilling or incapable of integrating, of becoming part of the national community.<sup>65</sup> Instead, they are part of an invading force from south of the border that is bent on reconquering land that was previously theirs (the U.S. Southwest) and destroying the American way of life.<sup>66</sup> The “Latino Threat Narrative” also recognizes that Latinos have been defined as the quintessential “illegal aliens.”<sup>67</sup> This “illegal alien” status has plagued Latinos’ social identity, which in much public discourse means that they are criminals and thus illegitimate members of society.<sup>68</sup>

This “illegal alien” rhetoric has had adverse effects on general policing practices as well. Rather than illegal immigration being portrayed as a result of a complex web of influences—such as, politics, opportunity, and economics—it has been portrayed as a law-and-order issue.<sup>69</sup> Consequently, many law enforcement officers have come to internalize this notion that immigration enforcement is part of their general duty to enforce the law.<sup>70</sup> As a result, they may “experience satisfaction in making more immigration arrests, even if those arrests are not part of their law enforcement mandate.”<sup>71</sup>

Timberlake’s (2012) study demonstrates how powerful the Latino public discourse has been in shaping American residents’ perception of, and reaction to, Latino

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<sup>64</sup> Chavez, L. (2013). *The Latino threat: Constructing immigrants, citizens, and the nation*. Stanford University Press.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Sweeney, M. (2014). Shadow Immigration Enforcement and Its Constitutional Dangers. *Journal of Criminal Law and Criminology*, 104(2), 227.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid, pg.233



immigrants.<sup>72</sup> For the study, Timberlake and his colleagues interviewed a total of 2,150 registered voters in Ohio and asked them to attribute characteristics to four immigrant groups: Latin Americans, Asians, Europeans, and Middle Easterners.<sup>73</sup> The interviewees were asked to evaluate each group of immigrants and indicate whether they believed the members of said group are rich or poor, intelligent or unintelligent, self-sufficient or dependent on the government, ready or not ready to assimilate themselves into U.S. culture, and do or do not possess violent attitudes.<sup>74</sup> Significantly, the study concluded that the survey's respondents overwhelmingly associated Latino immigrants with not only posing a danger to public safety, but with having a negative impact on both the labor and educational situation in this country.<sup>75</sup> None of the other groups included in the study were attributed such negative characteristics by the respondents.<sup>76</sup>

As Timberlake's (2012) study illustrates, popular stereotypes often conflate race and violent criminality.<sup>77</sup> As an unfortunate consequence, the public attributes violence to racial and ethnic minorities and thus the mere presence of Latino immigrants in predominantly white areas is sufficient to heighten Whites' fear of crime.<sup>78</sup> This fear of

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<sup>72</sup> Timberlake, J. M., & Williams, R. H. (2012). Stereotypes of US immigrants from four global regions. *Social Science Quarterly*, 93(4), 867-890.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Quillian, L., & Pager, D. (2010). Estimating Risk Stereotype Amplification and the Perceived Risk of Criminal Victimization. *Social Psychology Quarterly*, 73(1), 79-104.

<sup>78</sup> Chiricos, T., Welch, K., & Gertz, M. (2004). Racial typification of crime and support for punitive measures. *Criminology*, 42(2), 358-390.

crime associated with a large immigrant presence falls within the framework of the social disorganization theory.<sup>79</sup>

According to the social disorganization theory, immigration is a disorganizing force that contributes to community crime rates.<sup>80</sup> It posits that immigration increases residential instability and racial and ethnic heterogeneity—both of which weaken informal social control, subsequently increasing crime.<sup>81</sup> Despite the popularity of the social disorganization theory, empirical evidence that has been collected over the years finds that immigration and crime are not correlated.<sup>82</sup> In fact, recent studies of neighborhood crime rates find that immigration into an area is unrelated—and in some cases—negatively related to crime rates. For example, Lee et. al (2001) in their study of Miami, El Paso, and San Diego neighborhoods, discovered that immigration does not increase homicide levels among Latinos and African-Americans.<sup>83</sup>

Regardless of whether there exists an empirically validated correlation between immigration and crime, it is evident that many Americans still perceive Latino immigrants as a threat. Existing literature demonstrates that this threat is most felt in localities that experience a rapid and drastic demographic change. Accordingly, scholars contend that is not necessarily the absolute concentration of immigrant populations in given area, but rather, the pace in which the demographic change occurs. Hopkins (2010), for example, maintains that hostile reactions to immigrants are most likely to arise in

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<sup>79</sup> Krohn, M. D., Lizotte, A. J., & Hall, G. P. (2010). *Handbook on crime and deviance*. Springer Science & Business Media.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Lee, M. T., Martinez, R., & Rosenfeld, R. (2001). Does immigration increase homicide?. *The Sociological Quarterly*, 42(4), 559-580.

communities that undergo sudden influxes of immigrants.<sup>84</sup> Esbenshade and Obzurt's (2008) findings support such a claim. They found that the vast majority of localities that have passed anti-immigrant ordinances have immigrant and Latino populations well below the national average of twenty-nine percent.<sup>85</sup> Subsequently, they concluded that there is no correlation between large numbers of immigrant or Latino populations and a locality's decision to consider and/or pass restrictive ordinances. Rather, it is a case of large increases in said populations.<sup>86</sup>

In sum, literature pertaining to the minority-threat hypothesis suggests that restrictive responses to immigrants on behalf of localities and their respective police force are a result of institutionalized racism in our societal fabric. The relevant literature further contends that restrictive responses toward Latino immigrants are most likely to arise in areas that experience a drastic demographic change and when salient national rhetoric reinforces that threat.<sup>87</sup> This hypothesis falls short, however, in explaining, in entirety, why some communities experience discriminatory policing more than others. Many "non-traditional" gateway destinations have undergone a rapid demographic change in terms of their Latino populations, but not all have had such a restrictive response toward newcomers. Subsequently, scholars have proposed that what accounts for this divergence

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<sup>84</sup> Hopkins, D. J. (2010). Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition. *American Political Science Review*, 104(01), 40–60.

doi:10.1017/S0003055409990360

<sup>85</sup> Esbenshade, J., & Obzurt, B. (2008). Local immigration regulation: A problematic trend in public policy. *Harvard Journal of Hispanic Policy*, 20, 33-47.

<sup>86</sup> Ibid.

<sup>87</sup> Hopkins, D. J. (2010). Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition. *American Political Science Review*, 104(01), 40–60.

doi:10.1017/S0003055409990360

in receptiveness between municipalities experiencing similar demographic change is partisanship.

### **Partisanship**

Ramakrishnan and Wong (2007) stress the role that partisanship plays relating to local governments' decision to enact ordinances targeted at the undocumented.<sup>88</sup> They found, after controlling for demographic factors, that a Republican-majority area was twice as more likely to propose, and pass, an immigrant-restrictive ordinance in comparison to Democratic-majority areas.<sup>89</sup> Successive studies have confirmed such a finding. Gulasekaram and Ramakrishnan's (2012) study—comprised of data coming from fifty states and over 25,000 local jurisdictions—revealed that, after controlling for demographic factors, political affiliation was the most important factor in explaining the proposal and passage of immigrant-restrictive laws.<sup>90</sup> Scholars have credited this correlation to the fact that the proportion of Republicans in a region can be seen as a proxy for political ideology and issue preference on immigration at local level.<sup>91</sup> Registered Republicans are more likely, in comparison to registered Democrats, to identify themselves as ideologically conservative.<sup>92</sup> This, in effect, leads to the

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<sup>88</sup> Ramakrishnan, S. K., & Wong, T. (2007). Immigration policies go local: The varying responses of local governments to undocumented immigration. *Unpublished paper*. University of California, Riverside.

<sup>89</sup> Ibid.

<sup>90</sup> Gulasekaram, P. & Ramakrishnan, S. K. (2012) Restrictive State and Local Immigration Laws: Solutions in Search of Problems. Retrieved from, [https://www.acslaw.org/sites/default/files/Gulasekaram\\_and\\_Ramakrishnan\\_-\\_Restrictive\\_State\\_and\\_Local\\_Immigration\\_Laws\\_1.pdf](https://www.acslaw.org/sites/default/files/Gulasekaram_and_Ramakrishnan_-_Restrictive_State_and_Local_Immigration_Laws_1.pdf)

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

presumption that they are more likely to take conservative positions on the issue of illegal immigration.<sup>93</sup>

This resonates with Lewis and Ramakrishnan's (2007) findings concerning the influence elected officials have on police practices pertaining to immigration enforcement.<sup>94</sup> They provide that "bureaucracies take political cues and that police practices tend to follow the direction set by elected officials and local electoral outcomes."<sup>95</sup> Considering that police are the agents of local governing bodies, local police chiefs must answer to the city council and mayor.<sup>96</sup> In this view, if the local governing body assumes a conservative position on the issue of immigration, police departments will follow these dictates.<sup>97</sup>

Significantly, however, there has been a recent and disconcerting trend of police personnel acting restrictively toward immigrants without guidance from the respective governing body.<sup>98</sup> Recent studies have revealed that police are acting as federal immigration enforcement officers without being authorized by a governing official to do so.<sup>99</sup> Sweeney (2014) has referred to this new phenomenon as "shadow immigration enforcement" and discusses the adverse consequences that arise from this informal and unregulated collaboration between federal, state, and local officers.<sup>100</sup> She provides:

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<sup>93</sup> Ibid.

<sup>94</sup> Lewis, P. G., & Ramakrishnan, S. K. (2007). Police Practices in Immigrant-Destination Cities Political Control or Bureaucratic Professionalism?. *Urban Affairs Review*, 42(6), 874-900.

<sup>95</sup> Ibid, pg.887

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Sweeney, M. (2014). Shadow Immigration Enforcement and Its Constitutional Dangers. *Journal of Criminal Law and Criminology*, 104(2), 227.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

Shadow enforcement typically involves the targeting of vulnerable “foreign-seeming” populations for hyper-enforcement for reasons wholly independent of suspected involvement in criminal activity as defined by state or local law. At best, state officers use the enforcement of laws within their mandate (criminal traffic laws) as a pretext for targeting those suspected of having unlawful immigration status, often based on observable ethnic or racial characteristics.<sup>101</sup>

This finding is especially surprising considering that police actions towards immigrants have generally been supportive. Lewis and Ramakrishnan’s (2007) study of three Californian cities, for example, revealed that in each of these cities, the local police department made advances in working with immigrants “largely on its own volition, without significant guidance from elected officials.”<sup>102</sup>

Literature on what accounts for this distorted exercise of regular policing powers is incredibly limited. However, one hypothesis that has been identified as influencing restrictive police response toward immigrants relates to the community accountability hypothesis. This hypothesis stresses the influence that the formal and informal characteristics of police departments has on police engaging in unconstitutional policing.<sup>103</sup>

### **Community Accountability**

The community accountability hypothesis, which stresses the influence the formal and informal characteristics of police departments has on police officers’ street-level

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<sup>101</sup> Ibid, pg.227

<sup>102</sup> Lewis, P. G., & Ramakrishnan, S. K. (2007). Police Practices in Immigrant-Destination Cities Political Control or Bureaucratic Professionalism? *Urban Affairs Review*, 42(6), 874–900, doi:10.1177/1078087407300752. Pg.889

<sup>103</sup> Smith, B. W., & Holmes, M. D. (2014). Police Use of Excessive Force in Minority Communities: A Test of the Minority Threat, Place, and Community Accountability Hypotheses. *Social Problems*, 61(1), 83–104. doi:10.1525/sp.2013.12056

behavior, has long been used to describe issues with law enforcement practices.<sup>104</sup>

Although this hypothesis has been used primarily to explain the prevalence of police using excessive force against minorities, it could be applied to explain why some police have assumed unauthorized roles as federal immigration enforcement areas.

Scholars studying incidences of police brutality against persons of minority descent have argued that the environment and subculture of each respective police department has tremendous influence over police officers' patrolling practices. William A. Westley (1953), for example, found that the working environment and the subculture of the police department he studied made officers perceive excessive force as "good" and "useful" for their line of work.<sup>105</sup> Lewis, Provine, Varsanyi, Decker (2013) hypothesize that the organizational factors of the police department have tremendous influence over individual's policing practices.<sup>106</sup> In particular, they contend that the personal characteristics of the administrative leadership play a significant role in regard to shaping the police department's bureaucratic practices.<sup>107</sup> In this view, if the leader of the police department is regarded as a "tough cop" of sorts, he or she will be more likely in favor of officers employing aggressive policing strategies.<sup>108</sup> Studies pertaining to the influence that the race of the leader has on policing practices further supports this finding. Meier, O'Toole and Nicholson-Crotty (2004) found that administrators who are minorities are

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<sup>104</sup> Ibid.

<sup>105</sup> Westley, W. A. (1953). Violence and the police. *American Journal of Sociology*, 34-41.

<sup>106</sup> Lewis, P. G., Decker, S. H., Provine, D. M., & Varsanyi, M. W. (2013). Empowering local police to enforce US immigration policy has led to a patchwork of inconsistent measures. *LSE American Politics and Policy*.

<sup>107</sup> Ibid.

<sup>108</sup> Smith, B. W., & Holmes, M. D. (2014). Police Use of Excessive Force in Minority Communities: A Test of the Minority Threat, Place, and Community Accountability Hypotheses. *Social Problems*, 61(1), 83-104. doi:10.1525/sp.2013.12056

more likely to direct their subordinates to use procedures and practices that would benefit, or at least avoid harming, minorities.<sup>109</sup> Scholars have consequently argued that changing the socio-demographic composition of police agencies can improve police-minority relations and reduce police brutality. Chan (1997), for example, contends that greater representation of minorities in the police force will drastically change the police department subculture and make the police agencies appear more legitimate in the eyes of many residents.<sup>110</sup> This, he argues, will improve the quality of interaction between police and minority citizens.<sup>111</sup>

Furthermore, pre-existing literature suggests that the autonomous nature of local police agencies is the source of the issue. In theory, the local police department is a department of the city government charged with implementing the policies enacted by the governing body.<sup>112</sup> However, evidence indicates that local police agencies enjoy a relatively great degree of autonomy in terms of determining the actual practices and procedures that its officers will employ.<sup>113</sup> Significantly, such autonomy often translates directly to the proliferation of rights violations that go largely unchecked and undeterred.<sup>114</sup> The fact that violations of rights go largely unchecked and undeterred speaks directly to the inadequate system of accountability in law enforcement, which may

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<sup>109</sup> Nicholson-Crotty, S., & O'Toole, L. J. (2004). Public management and organizational performance: The case of law enforcement agencies. *Journal of Public Administration Research and Theory*, 14(1), 1-18.

<sup>110</sup> Chan, J. B. (1997). *Changing police culture: Policing in a multicultural society*. Cambridge University Press.

<sup>111</sup> Ibid.

<sup>112</sup> Lewis, P. G., Decker, S. H., Provine, D. M., & Varsanyi, M. W. (2013). Empowering local police to enforce US immigration policy has led to a patchwork of inconsistent measures. *LSE American Politics and Policy*.

<sup>113</sup> Ibid.

<sup>114</sup> Allen, R. J., & Laudan, L. (2011). Deadly dilemmas III: Some kind words for preventive detention. *The Journal of Criminal Law and Criminology*, 781-802.



contribute to the prominence of biased policing and police brutality towards minority persons.

Accordingly, Andrea McArdle and Tanya Erzen (2001) argue that police departments have long resisted effective systems of accountability.<sup>115</sup> They argue that there is a lack of transparency with respect to police officers' procedures, evidence, and results.<sup>116</sup> Such a lack of transparency and accountability, they claim, diminishes the relations and trust between the police officers and residents of the city.<sup>117</sup>

Other scholars have reaffirmed this lack of transparency and have identified the absence of research into the issue of unconstitutional and discriminatory policing as a fundamental weakness in understanding and reducing the prevalence of said phenomenon in the United States.<sup>118</sup> The last federal study of police brutality in the United States was conducted approximately ten years ago by the U.S. Department of Justice and the Federal Bureau of Investigation (FBI). Significantly, the study was based on data that had been voluntarily supplied by a mere five percent of all law enforcement agencies in the United States.<sup>119</sup> It has been argued that the difficulty of obtaining information on police brutality is credited to the number of restrictions in place regarding the release of law enforcement disciplinary and complaint information. In fact, forty-five states currently have restrictions on the release of information about police conduct—twenty-two of which

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<sup>115</sup> McArdle, A. L. (2001). *Zero Tolerance: Quality of Life and the New Police Brutality in New York City* (SSRN Scholarly Paper No. ID 1161331). Rochester, NY: Social Science Research Network. Retrieved from <http://papers.ssrn.com/abstract=1161331>

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Packman, D. (2011). How lack of transparency enables police brutality | David Packman. *The Guardian*. Retrieved April 16, 2015, from <http://www.theguardian.com/commentisfree/cifamerica/2011/oct/25/lack-transparency-enables-police-brutality>

<sup>119</sup> Ibid.

prohibit the release of any disciplinary information.<sup>120</sup> Needless to say, these restrictions make obtaining data on policy brutality incredibly difficult.

## **Social Capital**

Arguably, the factors and theories provided above are the most commonly used to explain the causes of discriminatory policing and restrictive responses toward immigrants. There is an additional factor, however, that can potentially be used to explain the divergence in responsiveness to Latino immigrants: the level of social capital in the respective community. Although different social sciences emphasize different aspects of social capital, Putnam (1993) explains that “social capital refers to features of social organization, such as networks, norms, and trust, that facilitate cooperation for mutual benefit.”<sup>121</sup> It is most typically used to measure social cohesion within a given area.<sup>122</sup>

Social capital takes on a number of different forms. As Panth (2010) describes:

It can be a tie among family members, with neighbors, ties from shared experience, cultural norms, common purposes and pursuits. Social capital can have a group base, a network base or an institutional base. An extended family network, a clan, a tribe, a farmers’ group, community-based groups in a traditional sense; and a book club, a youth club, NGOs, internet forums, social networking sites, in the modern sense. Membership in a political party or even citizenship of a state can qualify as a social capital.<sup>123</sup>

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<sup>120</sup> Ibid.

<sup>121</sup> Putnam, R. D. 1993. The prosperous community. *American Prospect*. 7 (Spring). Pg.35

<sup>122</sup> OECD (2011), *Perspectives on Global Development 2012: Social Cohesion in a Shifting World*, OECD Publishing, [http://dx.doi.org/10.1787/persp\\_glob\\_dev-2012-en](http://dx.doi.org/10.1787/persp_glob_dev-2012-en)

<sup>123</sup> Panth, S. (2010, June 3). Bonding vs. Bridging. *The World Bank*. Retrieved April 23, 2015, from <http://www.hks.harvard.edu/programs/saguaro/about-social-capital>

According to Putnam (2000), there are two ways of looking at social capital: bonding social capital and bridging social capital.<sup>124</sup> Bonding social capital occurs within a community of “like” individuals.<sup>125</sup> Relationships and trust are formed between these individuals as a result of their sharing some characteristic or common experience. Bonding social capital is regarded as a necessary antecedent for the development of bridging social capital.<sup>126</sup> Paxton (1999) refers to bridging social capital as “cross-cutting ties.”<sup>127</sup> Bridging social capital occurs when “members of one group connect with members of other groups to seek access or support or to gain information.”<sup>128</sup>

The literature to date on the correlation between a community’s social capital and its receptiveness toward immigrants has been limited. Increasing evidence, however, suggests that racial and ethnic diversity is correlated with lower levels of social capital in a community.<sup>129</sup> Costa and Kahn’s (2003) study on the relationship between social capital and diversity solidifies such a finding.<sup>130</sup> They found a positive relationship between social capital and homogeneity and credit their findings to the fact that people

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<sup>124</sup> Putnam, R. D. (2001). *Bowling alone*. Simon and Schuster.

<sup>125</sup> Ibid.

<sup>126</sup> Ferguson, R. F., and W. T. Dickens. 1999. Introduction. In *Urban problems and community development*, ed. R. F. Ferguson and W. T. Dickens, 1-31. Washington, DC: Brookings Institution.

<sup>127</sup> Paxton, P. 1999. Is social capital declining in the United States? A multiple indicator assessment. *American Journal of Sociology* 105 (1): 88-127.

<sup>128</sup> Larsen, L., Harlan, S. L., Bolin, B., Hackett, E. J., Hope, D., Kirby, A., ... & Wolf, S. (2004). Bonding and bridging understanding the relationship between social capital and civic action. *Journal of Planning Education and Research*, 24(1), 64-77.

<sup>129</sup> Putnam, R. D. (2007). E pluribus unum: Diversity and community in the twenty-first century the 2006 Johan Skytte Prize Lecture. *Scandinavian political studies*, 30(2), 137-174.

<sup>130</sup> Costa, Dora L. and Matthew E. Kahn. 2003. “Civic Engagement and Community Heterogeneity: An Economists’ Perspective.” *Perspectives on Politics* 1: 103-111.

“prefer to interact with others like them because of shared interests, socialization to the same cultural norms, and greater empathy toward individuals who remind them of themselves.”<sup>131</sup> Deufel’s (2006) findings reinforce this conclusion. Deufel (2006) claims that in ethnically and racially diverse communities, it is more difficult to find persons you trust, and subsequently, wish to associate with.<sup>132</sup> This, in effect, leads to lower levels of social capital within a respective community.<sup>133</sup> It is for this reason that Deufel (2006) concludes that one might “expect less trust in communities fraught with racial and ethnic tension, making social capital harder to develop.”<sup>134</sup> In sum, although no work to date has studied the relationship between a community’s social capital and their receptiveness toward immigrants, evidence suggests that the more racially and ethnically diverse a community is, the less receptive and trusting it will be toward its newcomers.<sup>135</sup>

To conclude, this review of the literature has demonstrated that there are a number of factors that could potentially explain why restrictive responses toward immigrants arise from communities and police. That said, however, each of the factors identified, when taken individually, cannot adequately explain why such a restrictive response arises. In the subsequent chapters, I will show how each of these factors came together as a “perfect storm” which ultimately resulted in a proliferation of civil abuses against East Haven’s Latino residents.

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<sup>131</sup> Ibid, pg.104.

<sup>132</sup> Deufel, B. (2006). *Trial Membership: Responses to Immigrants in American Communities*. Harvard University, Cambridge, Massachusetts.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid, pg.69

<sup>135</sup> Ibid.

## **Chapter 3.**

### **From Maricopa County to National Model Policy**

Merely four years ago, the East Haven Police Department was notorious for its racism and general hostility toward Latinos. In fact, Karen Tumlin, the managing attorney for the National Immigration Law Center’s Los Angeles office, said that the Department had an immigration enforcement reputation “on par with that of Maricopa County in Arizona under hard line Sheriff Joe Arpaio.”<sup>136</sup>

Thus, the East Haven Police Department’s transformation from being feared to “being a national model for how to treat its citizens” was neither easy nor immediate.<sup>137</sup> In fact, it took a number of years, unchecked abuses, investigations, criminal and civil lawsuits before real change was actually realized. The purpose of this chapter is to provide a detailed account of the lawsuit filed against the East Haven Police Department on behalf of several Latino East Haven residents, the Department of Justice’s investigation and subsequent settlement agreement, and the indictment and consequent arrests of several East Haven police personnel. This chapter will conclude by discussing the changes and progress the East Haven Police Department has made thus far.

#### **The Complaint that Prompted the Investigation**

On March 26, 2009, the Jerome N. Frank Legal Services Organization at Yale Law School filed a complaint to the Department of Justice on behalf of St. Rosa of Lima

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<sup>136</sup> Lips, E., & Register, N. H. (2014). East Haven immigration settlement seen as national model. Retrieved December 9, 2014, from <http://www.nhregister.com/general-news/20140614/east-haven-immigration-settlement-seen-as-national-model>

<sup>137</sup> MacMillan, T. (2014). \$450K Settlement Buys Latinos Peace Of Mind. *New Haven Independent*. Retrieved December 9, 2014, from [http://www.newhavenindependent.org/index.php/archives/entry/east\\_haven\\_settles/](http://www.newhavenindependent.org/index.php/archives/entry/east_haven_settles/)

Church, following the arrest of one of the church's priests, Father James Manship.<sup>138</sup> The Complaint painted a rather disturbing picture of the East Haven Police Department, providing detailed accounts of approximately twenty incidents involving police misconduct. Accordingly, the Complaint states:

Since June 2008, the EHPD has targeted the Latino community in improper searches, and seizures, false arrests, and the use of excessive force in ordinary encounters with Latino residents and motorists. Latinos are pulled over without reasonable suspicion while driving, arrested without probable cause and in some cases severely beaten by law enforcement officials. As a consequence, Latinos in East Haven now live in daily fear of harassment and retaliation by East Haven police officers.<sup>139</sup>

On December 3, 2009, the Civil Rights Division of the U.S. Department of Justice announced that the allegations of racial profiling and race-based violence presented in the Complaint merited a formal investigation.<sup>140</sup> Angel Fernandez, a leader of the St. Rose Pastoral Council, said in response to hearing the news, "The story of racial profiling, and abuse of police powers has now been heard and recognized by the Department of Justice."<sup>141</sup> The investigation commenced nine months later on September 30, 2009.<sup>142</sup>

***Maria Chacon, et al. v. East Haven Police Department, et. al***

Amidst the Department of Justice's investigation, on October 26, 2010, a Yale University Law School clinic filed a civil rights suit (*Maria Chacon, et al. v. East Haven*

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<sup>138</sup> Jerome N. Frank Legal Services Organization.(2009). Summary of Complaint to the Department of Justice: A Request for an Investigation into the East Haven Police Department. Retrieved from, [http://www.rightsworkinggroup.org/sites/default/files/ComplainttoDOJaboutEHPD\\_Mar2009.pdf](http://www.rightsworkinggroup.org/sites/default/files/ComplainttoDOJaboutEHPD_Mar2009.pdf)

<sup>139</sup> Ibid.

<sup>140</sup> O'Leary, M. E. (2009). Feds to investigate racial profiling claims. Retrieved December 9, 2014, from <http://www.nhregister.com/general-news/20091203/feds-to-investigate-racial-profiling-claims>

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

*Police Department, et. al)* on behalf of several Latino plaintiffs against the East Haven Police Department.<sup>143</sup> The lawsuit was filed after having uncovered a number of repeated abuses committed by various East Haven police officers—namely, Sergeant John Miller, and officers David Cari, Dennis Spaulding and Jason Zullo (commonly known as the “Miller’s Boys”)—against various Latino East Haven residents. Significantly, these abuses went largely ignored until officers Dennis Spaulding and David Cari arrested one of the plaintiffs in the suit—a Catholic priest, Father James Manship—for attempting to record them harassing the Latino owners of My Country Store.<sup>144</sup>

One of the most significant and incriminating pieces of evidence presented in the suit was the findings obtained from the law students’ study, “Pattern and Practice: Preliminary Findings on Race, Record-Keeping, and Selective Enforcement within the East Haven Police Department.”<sup>145</sup> As the report’s introduction provides:

For over a year, East Haven residents have reported racial profiling by the East Haven Police Department (EHPD). Community members state that they have been pulled over while driving or accosted while sitting in parked cars purely on account of their Latino appearance. Individuals report being insulted with racial slurs and, in the worst cases, being maliciously humiliated, beaten, tasered, and maced. This rash of reports in the previous year tracks a long history of racial conflict that has plagued the EHPD.<sup>146</sup>

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<sup>143</sup> Settlement Agreement.” Civil Rights Division Special Litigation Section Cases Page. (n.d.). Retrieved November 4, 2014, from <http://www.justice.gov/crt/about/spl/findsettle.php>

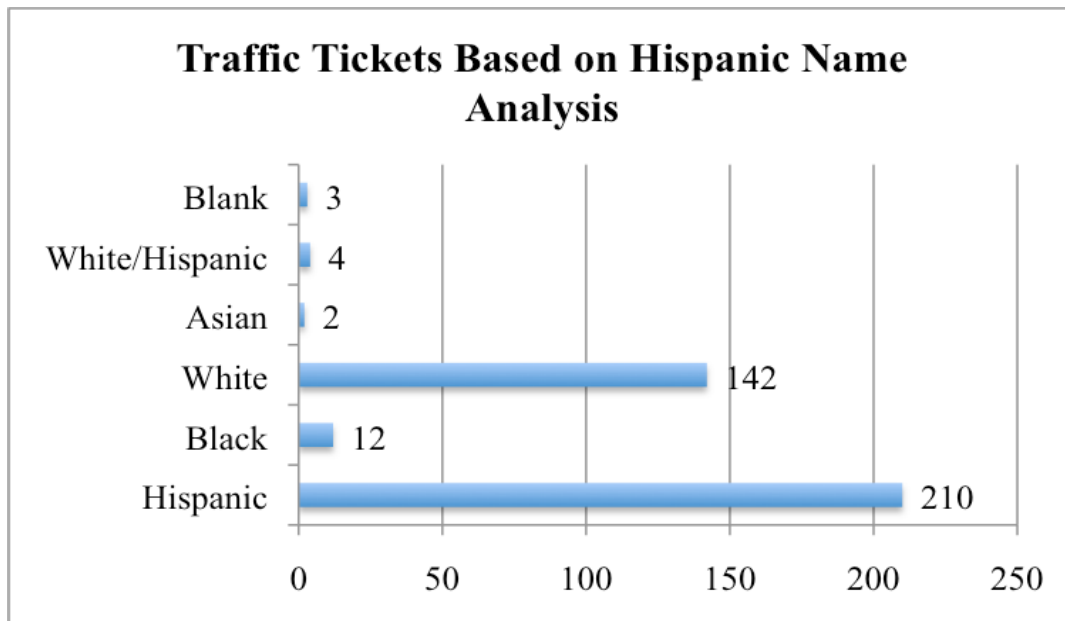
<sup>144</sup> Wessler, S. (2012, February 2). How East Haven, Conn., Became Synonymous With Racial Profiling. *COLORLINES*. Retrieved February 18, 2015, from [http://colorlines.com/archives/2012/02/on\\_sunday\\_afternoon\\_about\\_ten.html](http://colorlines.com/archives/2012/02/on_sunday_afternoon_about_ten.html)

<sup>145</sup> Hood, Sophie, Valarie Kaur, Tafari Lumumba, Dermont Lynch, Lindsay, Nash, and Michael Wishnie. 2014. Pattern and Practice: Preliminary Findings on Race, Record-Keeping, and Selective Enforcement within the East Haven Police Department. Retrieved from [http://www.law.yale.edu/documents/pdf/Clinics/wirac\\_PatternandPractice.pdf](http://www.law.yale.edu/documents/pdf/Clinics/wirac_PatternandPractice.pdf)

<sup>146</sup> Ibid.

The study, which analyzed 376 traffic tickets issued by the East Haven Police Department along Main Street and Route 80 from June 1, 2008 through February 28, 2009, revealed “troubling trends that corroborate allegations of racial profiling.”<sup>147</sup> Firstly, the data demonstrates a disproportionate rate of enforcement against Latinos/Hispanics.<sup>148</sup> For example, 210 tickets—approximately 56.3 percent—were issued to Hispanic drivers.<sup>149</sup> This is incredibly significant as the Hispanic/Latino population in East Haven at the time was only 5.8 percent.<sup>150</sup>

Figure 3.1



**Source:** Pattern and Practice: Preliminary Findings on Race, Record-Keeping, and Selective Enforcement within the East Haven Police Department.

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<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.



Furthermore, the data presented in the report suggest that the East Haven Police Department intentionally tainted their data on racial profiling.<sup>151</sup> Since 2000, Connecticut law (Conn. Gen. Stat. § 54-1m) requires all police officers to document the race and ethnicity of each person they ticket and/or arrest in an effort to combat racial profiling and pretextual traffic stops.<sup>152</sup> Under Conn. Gen. Stat. § 54-1m, police departments are required to collect certain data when they stop someone for a traffic violation.<sup>153</sup> Such data include: the nature of the violation that led to the traffic stop, the race and ethnicity of the driver, and whether any citation was issued or arrest made.<sup>154</sup> Police departments are then required to submit these reports to the Chief State’s Attorney, who in turn, must provide a report to the Governor and General Assembly to ensure that the respective law enforcement agencies are “proactive in monitoring the activities of individual officers to decrease the possibility that enforcement decisions are solely being based on race or ethnicity.”<sup>155</sup>

Significantly it was found that the East Haven Police Department did not comply with said legislation.<sup>156</sup> First, the study revealed that the East Haven Police Department officers frequently mischaracterized the race of individuals they ticketed.<sup>157</sup> Because of

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<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

<sup>153</sup> Conn. Gen. Stat. § 54-1m. See also Veronica Rose, Office of Legislative Research, Conn. Gen. Assembly, Comparison of Racial Profiling Laws in Connecticut and Maryland , 2003-R-0442 (May 16, 2003), <http://www.cga.ct.gov/2003/olrdata/ps/rpt/2003-R-0442.htm>

<sup>154</sup> Ibid.

<sup>155</sup> Hood, Sophie, Valarie Kaur, Tafari Lumumba, Dermont Lynch, Lindsay, Nash, and Michael Wishnie. 2014. Pattern and Practice: Preliminary Findings on Race, Record-Keeping, and Selective Enforcement within the East Haven Police Department. Retrieved from [http://www.law.yale.edu/documents/pdf/Clinics/wirac\\_PatternandPractice.pdf](http://www.law.yale.edu/documents/pdf/Clinics/wirac_PatternandPractice.pdf), pg.4

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

this, the students were forced to analyze the last names of those who received tickets, as last names can often be used to determine the race/ethnicity of a person.<sup>158</sup> By analyzing the last names of those ticketed, the study revealed that “there was a significant disparity between the reported race of the person receiving the ticket, as recorded on the tickets, and the actual race, as suggested by the Hispanic name analysis.”<sup>159</sup> In fact, out of the 376 tickets analyzed in the study, only twenty-two (4.8 percent) of the tickets were listed as being issued to Hispanic drivers and 329 ticket recipients were identified as being white.<sup>160</sup> Needless to say, this represents a stark contrast to the findings revealed by the “Hispanic name classification” analysis.<sup>161</sup> The report concluded that EHPD’s officers’ failure to accurately record the race of Hispanic individuals “may suggest EHPD officers lack the training and supervision they need to fairly enforce the law and correctly record the race of individuals targeted in law enforcement actions.”<sup>162</sup>

Perhaps most interesting is the report’s finding that traffic tickets stops were issued more proportionally by ethnicity/race when the East Haven Police Department was engaged in “Click it or Ticket,” a national program that utilizes police enforcement and public relations to encourage seatbelt use.<sup>163</sup> Accordingly, East Haven police stopped thirty-five white people, two white/Hispanic people, and five Hispanics.<sup>164</sup>

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<sup>158</sup> Ibid.

<sup>159</sup> Ibid, pg.5

<sup>160</sup> Ibid.

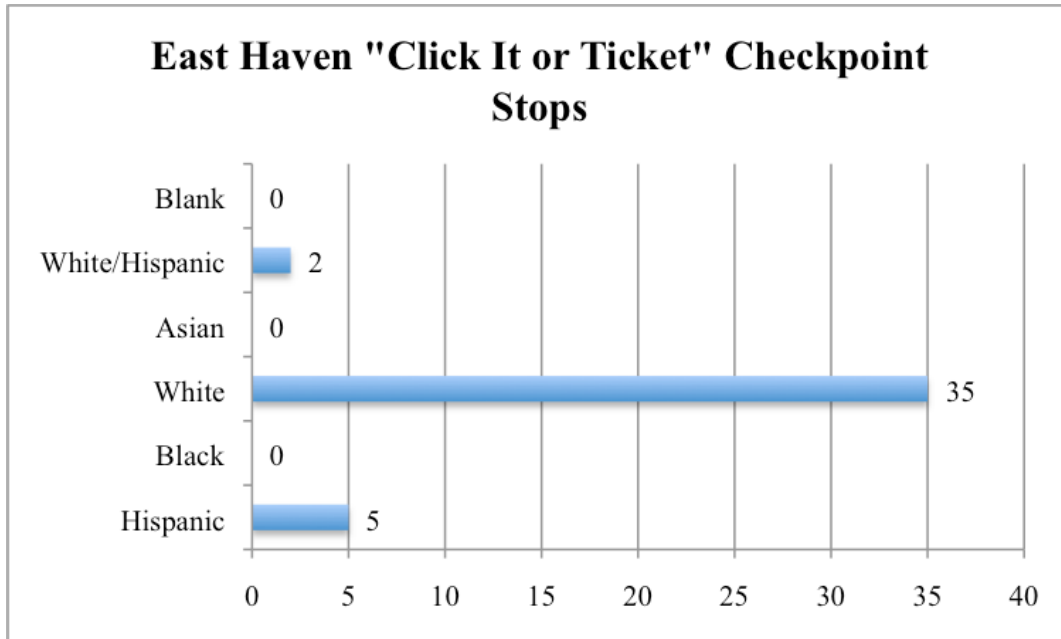
<sup>161</sup> Ibid.

<sup>162</sup> Ibid, pg.6

<sup>163</sup> NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION , U.S. DEPARTMENT OF TRANSPORTATION , NIGHTTIME ENFORCEMENT OF SEAT BELT LAWS : AN EVALUATION OF THREE COMMUNITY PROGRAMS , <http://trafficsafetymarketing.gov/ciot/planner10/PEAK/evaluation-report.pdf>.

<sup>164</sup> Ibid.

Figure 3.2



**Source:** MacMillan, T. (2010, April 23). Report: East Haven Police Target Latinos. *New Haven Independent*.

The authors of the report indicate that their findings lend support to two general conclusions. Firstly, because the tickets issued during “Click It or Ticket” were distributed far more proportionally to the racial composition of the town, the authors argued that “the pattern of discriminatory enforcement dissipates when the EHPD is operating under state and/or federal guidelines.”<sup>165</sup> Second, “when officers have proper guidelines, they act in a less discriminatory manner.”<sup>166</sup> The report was subsequently sent to the Department of Justice “to supplement their investigation.”<sup>167</sup>

<sup>165</sup> Ibid, pg.4

<sup>166</sup> Ibid.

<sup>167</sup> MacMillan, T. (2010, April 23). Report: East Haven Police Target Latinos. *New Haven Independent*. Retrieved April 1, 2015, from [http://www.newhavenindependent.org/index.php/archives/entry/report\\_tickets\\_show\\_east\\_haven\\_targets\\_latinos/](http://www.newhavenindependent.org/index.php/archives/entry/report_tickets_show_east_haven_targets_latinos/)

## The Department of Justice's Investigation and its Findings

On December 19, 2011, the Department of Justice announced that its exhaustive two-year investigation of law enforcement practices in East Haven, Connecticut, had uncovered that the East Haven Police Department had engaged “in a pattern or practice of systematically discriminating against Latinos in violation of the Fourteenth Amendment to the Constitution, Title VI, and the Safe Streets Act.”<sup>168</sup> In particular, they found that the East Haven Police Department engaged:

in discriminatory policing against Latinos, including but not limited to targeting Latinos for discriminatory traffic enforcement, treating Latinos more harshly than non-Latino drivers after a traffic stop, and intentionally and woefully failing to design and implement internal systems of control that would identify, track, and avert such misconduct.<sup>169</sup>

To arrive at the finding that the East Haven Police Department enforces traffic laws in a discriminatory manner, the Department of Justice conducted its own analysis of traffic stop data over a two-year duration.<sup>170</sup> Said analysis revealed that of all the traffic stops conducted by officers of the East Haven Department, approximately twenty percent involved Latino drivers.<sup>171</sup> This was incredibly telling because it has been estimated that only 8.3 percent of all drivers in East Haven are Latino.<sup>172</sup> The analysis also revealed that various officers used non-standard justifications for stops involving Latino drivers, such as a facial defect on a license plate or an out-of-state license plate.<sup>173</sup> Additionally, the

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<sup>168</sup> Department of Justice. (2009). Findings letter. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/easthaven\\_findletter\\_12-19-11.pdf](http://www.justice.gov/crt/about/spl/documents/easthaven_findletter_12-19-11.pdf)

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Department of Justice. (2012). Complaint. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/ehpdcomp\\_11-20-12.pdf](http://www.justice.gov/crt/about/spl/documents/ehpdcomp_11-20-12.pdf)

<sup>173</sup> Ibid.

Department of Justice found that some of East Haven’s police officers deliberately chose to patrol areas with large Latino concentrations. The Department of Justice’s report states, “EHPD officers target[ed] Latino places of business by focusing traffic enforcement activity on customers leaving those businesses.”<sup>174</sup> Significantly, the Department of Justice found that East Haven police officers pursued Latino drivers until the driver committed a traffic violation. Although a number of the tickets issued cited speeding as the reason for the stop, the officers did not include in their respective police reports any information regarding the speed the vehicle was traveling at the time of the stop or how they even knew the car was speeding.<sup>175</sup> Lastly, the Department of Justice found that Latino drivers were treated more harshly than non-Latino drivers during a traffic stop. Rather than just receiving a ticket, Latino drivers were often arrested and had their vehicles towed after traffic stops.<sup>176</sup> Additionally, as the graph below shows, on average, Hispanic/Latino drivers received greater fines in comparison to drivers of other ethnicities.

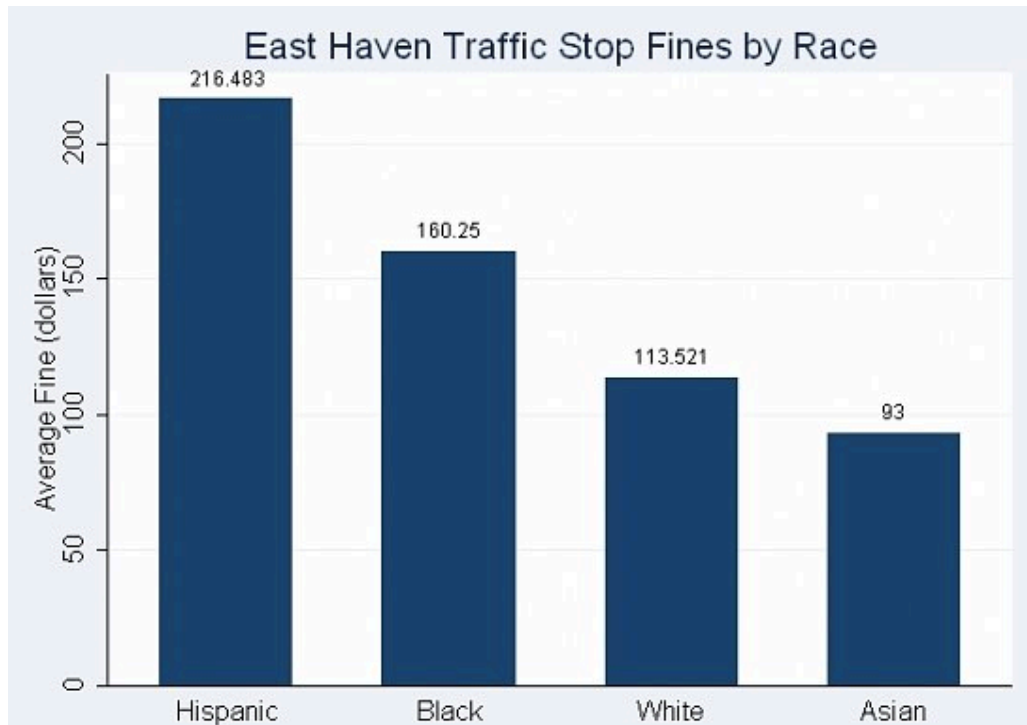
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<sup>174</sup> Ibid, pg. 3.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid, pg. 4

Figure 3.3



**Source:** MacMillan, T. (2010, April 23). Report: East Haven Police Target Latinos. *New Haven Independent*.

In addition to the formal finding of discriminatory policing against Latinos, the Report identified two additional areas of serious concern that warranted additional investigation.<sup>177</sup> First, the Department of Justice worried that East Haven Department’s management practices and accountability systems “fail to ensure that individuals are free from unlawful searches and seizures and use of excessive force.”<sup>178</sup> Second, the Department of Justice (DOJ) expressed grave concern that the EHPD leadership, namely, Chief Gallo, created a “hostile and intimidating environment” for anyone that sought to provide

<sup>177</sup> Department of Justice. (2009). Findings letter. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/easthaven\\_findletter\\_12-19-11.pdf](http://www.justice.gov/crt/about/spl/documents/easthaven_findletter_12-19-11.pdf)

<sup>178</sup> Ibid.

relevant information to the DOJ investigation.<sup>179</sup> Accordingly, the report cited “messages on a police union bulletin board that referred to ‘rats’ at EHPD.”<sup>180</sup> The report also indicated that “Chief Gallo had warned that DOJ had agreed to provide him with the names of individuals who cooperated with the investigation,” even though DOJ investigators had told him that the names and identities would remain confidential.<sup>181</sup> Perhaps most troubling, the report stated that during one late night meeting, officers of the East Haven Police Department “...warned DOJ staff and a police practices consultant that they could not guarantee their safety during ride-alongs with officers.”<sup>182</sup>

Following the release of the Department of Justice’s findings, Assistant Attorney General Thomas J. Perez warned East Haven Mayor Joseph Maturo that if the town does not comply with the Department of Justice’s order, a lawsuit will be initiated to “ensure compliance with the constitution and federal law and protect individuals from further unlawful conduct.”<sup>183</sup> The feds were not quite done with East Haven, however. The Department of Justice was also conducting a separate criminal investigation into several East Haven police officers.

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<sup>179</sup> Ibid.

<sup>180</sup> Bass, P. (2012, January 25). Grand Jury Probes Gallo & Evidence Tampering. *New Haven Independent*. Retrieved March 10, 2015, from [http://www.newhavenindependent.org/index.php/archives/entry/grand\\_jury\\_probes\\_alleged\\_report\\_rewriting/](http://www.newhavenindependent.org/index.php/archives/entry/grand_jury_probes_alleged_report_rewriting/)

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Swift, J. (2012). Feds, East Haven reach consent decree in civil rights probe (document, video). Retrieved December 10, 2014, from <http://www.nhregister.com/general-news/20121023/feds-east-haven-reach-consent-decree-in-civil-rights-probe-document-video>

### **Bullies with Badges: “The Miller’s Boys”**

Upon taking oath of office, East Haven Police Department officers solemnly swear to “support the constitution and laws thereof,” “to faithfully and impartially discharge and perform all duties incumbent upon...police officer[s] of the Town of East Haven,” and “to obey and be bound by such rules and regulations as are or may be adopted by the Chief of Police and/or the Board of Police Commissioners.”<sup>184</sup>

However, Sergeant John Miller, and officers David Cari, Dennis Spaulding and Jason Zullo—commonly known as the “Miller’s boys”—did not abide by this oath. On January 18, 2012, following on the heels of the Department of Justice’s investigation, the sergeant and the officers were indicted for violations 18 U.S.C § 241 [Conspiracy against rights], 18 U.S.C. § 242 [Deprivation of Rights] and 18 U.S.C. § 1519 [Obstruction].<sup>185</sup>

According to the indictment, between 2007 and 2011, Miller, Cari, Spaulding, and Zullo “knowingly and willfully” conspired to “injure, oppress, threaten, and intimidate” various residents, namely, the Latinos, of East Haven.<sup>186</sup> The indictment also alleges that these individuals conspired with one another to “maintain” and “perpetuate” an environment within the police department that not only allowed, but encouraged officers to conduct unreasonable searches and seizures and employ “unreasonable” and excessive force with impunity.<sup>187</sup> Significantly, the indictment provides that these individuals took

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<sup>184</sup> FBI. (2012) Indictment of Miller, Cari, Spaulding, and Zullo. Retrieved from, <http://www.justice.gov/usao/ct/Press2012/MILLER%20et%20al%20indictment.pdf>

<sup>185</sup> Ibid.

<sup>186</sup> Ibid, pg.2

<sup>187</sup> Ibid, pg.3



the steps necessary, such as falsifying police reports, to ensure that this conspiracy and officer misconduct would remain concealed.<sup>188</sup>

The indictment provides a number of sobering incidents that exemplify the vast misconduct on behalf of the officers. For example, with respect to their harassment of Latino motorists, on May 1, 2008, in a car-to-car chat between mobile data terminals, Zullo said to Spaulding that he “likes harassing [sic] motorist[.]” and referred to “persons who have drifted to this country on rafts made of chicken wings and are now residing on Main [sic] Street in East Haven.”<sup>189</sup> In another car-to-car chat that occurred in February 2009 between Spaulding and Zullo, Spaulding wrote to Zullo: “labamba’s only has 5 cars,” to which Zullo responded that that was five cars too many.<sup>190</sup> In addition to the indictment’s documentation of overtly racist comments, the indictment provided numerous examples where the officers had made false arrests, conducted illegal searches and seizures, and harassed and assaulted residents.<sup>191</sup>

With respect to the second charge (Deprivation of Rights: Unreasonable Force) against the sergeant and officers, the indictment provides various instances where residents of East Haven had been deprived of “the right to be free from the use of unreasonable force by a law enforcement officer.”<sup>192</sup> One of the incidents is as follows:

On or about November 22, 2008, in the District of Connecticut, defendant DENNIS SPAULDING, while acting under color of law, did assault M.M., which resulted in M.M.’s bodily injury, willfully depriving M.M. of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer, that is, SPAULDING, threw M.M. to the ground in the parking lot

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<sup>188</sup> Ibid.

<sup>189</sup> Ibid, pg.8

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid, pg.13

of La Bamba, causing a deep cut to M.M.'s chin, and repeatedly kicked M.M. in the back and legs while M.M.'s hands were handcuffed behind his back.<sup>193</sup>

Spaulding was not the sole offender of employing unreasonable force against individuals. On January 21, 2009, Zullo assaulted and caused severe bodily injury to a man identified as "J.L.A" during his arrest.<sup>194</sup> According to the indictment, Zullo proceeded to assault "J.L.A." once he had been detained in one of the cellblocks at the East Haven Police Department.<sup>195</sup> Sergeant Miller also employed unreasonable force against an individual identified in the report as "N.D." Although "N.D." was handcuffed and in the secure custody of two other officers, Miller is alleged to have struck him.<sup>196</sup>

Moreover, the evidence presented in support of the third charge against the officers (Deprivation of Rights: False Arrest) in the indictment is both vast and incriminating. There are a number of documented instances that portray Spaulding and Cari arresting and detaining individuals without probable cause and falsifying the respective police reports to justify said unlawful arrests.<sup>197</sup> The indictment also charges that the officers attempted to "impede, obstruct, and influence" the course of the Federal Bureau's investigation by falsifying and making material false entries in an unspecified document.<sup>198</sup>

Significantly, although Chief Gallo was not explicitly named in the indictment, "Co-Conspirator-1" was. The indictment provides as follows:

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<sup>193</sup> Ibid, pg.13-14

<sup>194</sup> Ibid, pg.14

<sup>195</sup> Ibid.

<sup>196</sup> Ibid, pg.17

<sup>197</sup> Ibid, pg.16

<sup>198</sup> Ibid, pg.15

Co-Conspirator-1 protected MILLER and the Defendant Officers from investigations into their misconduct. Co-conspirator-1 refused to provide the Police Commission with an arrest report involving the defendant CARI, and dismissed the Police Commission's request to investigate MILLER'S alleged misconduct. In an effort to undermine the Police Commission's effectiveness, Co-conspirator-1 barred all EHPD personnel from permitting Police Commissioners on the premises of the EHPD station without his prior approval.<sup>199</sup>

Shortly after the arrest of the sergeant and officers, Gallo retired from the East Haven Police Department in 2012.<sup>200</sup> Although his attorney, Jonathon J. Einhorn, confirmed that Gallo was indeed "Co-conspirator-1," he asserted that Gallo's retirement was entirely unrelated to the indictment and pursuant arrests.<sup>201</sup>

### **The Settlement**

Following the release of the Department of Justice's investigative findings and the indictment of the "Miller's Boys", Mayor Joseph Maturo announced that rather than getting involved in "costly, prolonged, and protracted litigation,"<sup>202</sup> the Town of East Haven and the police department would comply with the Department of Justice order and implement changes to the East Haven Police Department's policies and procedures in accordance with an "Agreement for Constitutional and Effective Policing" entered into by the Town, the police department, and the United States on December 19, 2012.<sup>203</sup> All parties agreed that the Settlement Agreement would most effectively resolve the issues presented by the Department of Justice investigation.

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<sup>199</sup> Ibid.

<sup>200</sup> Lips, E., (2014, January 25). Ex-East Haven chief Gallo in spotlight at police trials, faces no charges. Retrieved March 10, 2015, from <http://www.nhregister.com/general-news/20140125/ex-east-haven-chief-gallo-in-spotlight-at-police-trials-faces-no-charges>

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> "An Agreement for Constitutional and Effective Policing." 2012. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/ehpd\\_settlement\\_10-22-12.pdf](http://www.justice.gov/crt/about/spl/documents/ehpd_settlement_10-22-12.pdf)

Pursuant to the Agreement, the East Haven Police Department agreed to make reforms in its general policy and training procedures. Such reforms included in the Agreement were attention to bias-free policing; modifications to practices involving stops, searches, and seizures; guidelines with respect to proper use of force; effective handling of civilian complaints, internal investigations, and disciplinary measures; and, guidelines and procedures for proper supervision and management, and implementation of community engagement.<sup>204</sup> Mayor Maturo announced following the signing of the Agreement:

Entering into this agreement with the Department of Justice, and avoiding costly, prolonged, and protracted litigation, is in the best interests of the Town and the taxpayers... While the cost to implement the provisions of the agreement is expected to be significant, this agreement represents another step toward turning yesterday's challenges into tomorrow's opportunities.<sup>205</sup>

Since the Agreement's effective date of December 21, 2012, many changes have occurred in East Haven and its police department.

To begin, all members of the "Miller's Boys" were sentenced to prison. Miller pleaded guilty to one count of depriving an individual of his right to be free from the use of excessive force by a law enforcement officer on September 21, 2012 and received a sentence of four months of imprisonment in 2014.<sup>206</sup> On December 16, 2013, Jason Zullo was sentenced to serve two years in prison after having pleaded guilty to one count of

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<sup>204</sup> Ibid.

<sup>205</sup> Swift, J. (2012). Feds, East Haven reach consent decree in civil rights probe (document, video). Retrieved December 10, 2014, from <http://www.nhregister.com/general-news/20121023/feds-east-haven-reach-consent-decree-in-civil-rights-probe-document-video>

<sup>206</sup> FBI. Former East Haven Police Sergeant Sentenced to Four Months in Federal Prison. (2014, February 12). Retrieved April 1, 2015, from <http://www.fbi.gov/newyork/press-releases/2014/former-east-haven-police-sergeant-sentenced-to-four-months-in-federal-prison>

obstruction.<sup>207</sup> On October 21, 2013, officers David Cari and Dennis Spaulding were both found guilty of all charges brought against them.<sup>208</sup> Cari was found guilty of one count of conspiracy against rights, one count of deprivation of rights, and one count of obstruction of a federal investigation for preparing a false report.<sup>209</sup> He was subsequently sentenced to thirty months of imprisonment on January 21, 2014.<sup>210</sup> Spaulding received a sentence of sixty months in prison after being found guilty of “one count of conspiracy against rights, one count of use of unreasonable force by a law enforcement officer, two counts of deprivation of rights for making arrests without probable cause, and two counts of obstruction of a federal investigation for preparing false reports to justify the false arrests.”<sup>211</sup>

In June 2014, Chacon and the eight other plaintiffs involved in the suit against the East Haven Police Department (*Maria Chacon, et al. v. East Haven Police Department, et. al*) were awarded \$450,000 by East Haven after having reached a settlement agreement with the town and police department.<sup>212</sup> In addition to the monetary compensation, the East Haven Police Department agreed to make changes in the way it enforces civil immigration laws.<sup>213</sup> Significantly, however, this was only one of many positive changes the East Haven Police Department has made to date. The police department has not only adopted what many are calling “some of the nation’s strictest

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<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

<sup>211</sup> Ibid.

<sup>212</sup> Orson, D. (2014, June 10). East Haven Reaches Civil Rights Suit Settlement. Retrieved April 1, 2015, from <http://wnpr.org/post/east-haven-reaches-civil-rights-suit-settlement>

<sup>213</sup> Ibid.

limits on immigration enforcement by police,”<sup>214</sup> but has enacted a number of policies and procedures that have drastically strengthened their policing practices. A list of some of the police department’s most significant policy changes are provided below.

**Policy No. 428.2: Secure Communities Program**

On June 1, 2014, the East Haven Police Department put into effect Policy No. 428.2 pertaining to immigration enforcement. This policy forbids East Haven’s police officers from inquiring into a person’s immigration status. In addition, it provides that officers are not allowed to ask to see passports, visas, or green cards unless other forms of standard identification are not available.<sup>215</sup> Officers are not allowed to act on behalf of the federal Immigration and Customs Enforcement (ICE) agency by arresting or detaining persons for violating civil immigration laws.<sup>216</sup>

This policy has been widely praised by East Haven’s Latino residents. One of my interviewees said it was “very good” and that her friends are no longer afraid of going into her store.<sup>217</sup> Another interviewee expressed how much business was lost when “the cops [were] stopping outside of the store almost everyday to check into [his] customers’ papers...and asking for drivers licenses.”<sup>218</sup> He said that “business is much better now”<sup>219</sup> and credits this to the new policy adopted by the police department. In addition to Policy

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<sup>214</sup> Christoffersen, J. (2014). Connecticut town paying \$450K in civil rights suit. *The Big Story*. Retrieved December 10, 2014, from <http://bigstory.ap.org/article/connecticut-town-paying-450k-civil-rights-suit>

<sup>215</sup> MacMillan, T. (2014). \$450K Settlement Buys Latinos Peace Of Mind. *New Haven Independent*. Retrieved December 10, 2014, from [http://www.newhavenindependent.org/index.php/archives/entry/east\\_haven\\_settles/](http://www.newhavenindependent.org/index.php/archives/entry/east_haven_settles/)

<sup>216</sup> Ibid.

<sup>217</sup> Interview with Marcia Chacon. March 3, 2015.

<sup>218</sup> Interview with Edras Marin. February 27, 2015.

<sup>219</sup> Ibid.

No. 428.2, the East Haven Police Department has also made several positive changes with respect to their incident reporting and review procedures.

### **Policy No. 303.2: Incident Reporting and Review Procedures**

One of the most significant reforms that arose from the Agreement is the requirement that all police officers provide not only the relevant data of every stop, search, and arrest they make, but detail each in its entirety. Such details include the type of arrest, the location in which the arrest was made, the demographics of the individual and/or individuals under arrest, as well as the proportion of stops to arrests. These incident reports are especially vital for police departments as “they provide the basic evidence, facts, and data for strategic initiatives in crime and disorder prevention, intervention and enforcement, especially for crime analysis and problem solving.”<sup>220</sup> Most significantly, these incident reports and review procedures work as an effective deterrent for discriminatory policing.

According to the Joint Compliance Expert’s “Agreement for Effective and Constitutional Policing 365 Day Compliance Report,” between the effective date of the Agreement and June 21, 2013, there were a total of 909 traffic stops.<sup>221</sup> Of the drivers stopped, 16.5 percent were minorities, 5.8 percent were black, 8.9 percent (83 persons) were Latino, 82.2 percent were non-Latino whites, and 38.6 percent were women.<sup>222</sup>

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<sup>220</sup> East Haven Police Department.(2014).Policy No.303.2 Incident Reporting and Reviewing Procedures. Retrieved from, [http://www.easthavenpolice.com/files/4314/0682/9569/303.2 - Incident Reports and Review Effective 09-01-2014.pdf](http://www.easthavenpolice.com/files/4314/0682/9569/303.2_-_Incident_Reports_and_Review_Effective_09-01-2014.pdf), pg.1

<sup>221</sup>United States of America v. Town of East Haven and East Haven Board of Police Commissioners. (2014). Agreement for Effective and Constitutional Policing 365 Day Compliance Report. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/ehpd\\_compliancerpt\\_1-24-14.pdf](http://www.justice.gov/crt/about/spl/documents/ehpd_compliancerpt_1-24-14.pdf), pg.13

<sup>222</sup> Ibid.

Needless to say, these data represent a marked improvement from the statistics of 2011, where 19.9 percent of all stops involved a Latino driver even though the percentage of Latino drivers was estimated at that time to be 8.5 percent in the Town of East Haven.<sup>223</sup>

Moreover, it is significant that it was not just one or two officers stopping the Latino drivers.<sup>224</sup> Whereas one officer was identified in the preliminary 2011 Department of Justice Report as having a stop rate of Latino drivers of 40.5 percent, the data demonstrate that only six officers have stopped six or more Latino drivers during the course of a year.<sup>225</sup> The remaining thirty-two officers have either stopped fewer than six Latino drivers or less than one Latino driver per month.<sup>226</sup> Significantly, the Report states that:

No officer, among the six officers who have stopped six or more Latino drivers, has a Latino-driver stop rate higher than nineteen percent, four officers in this group have Latino-driver stop rates higher than fifteen percent, and five officers in this group have Latino-driver stop rates higher than ten percent. The most active traffic-stop officer, with 112 stops in the six-month period, stopped nine Latino drivers, or a Latino-driver stop rate of eight percent.<sup>227</sup>

Although requiring officers to fill out detailed reports for every criminal or non criminal incident involving police response is one way to ensure that officers are acting in accordance with the law, there exists the possibility that officers will not provide honest and accurate details in their respective Incident Reports. Subsequently, the East Haven Police Department added yet another safeguard by implementing a policy pertaining to the use of Automatic Vehicle Locators (AVL), Mobile Video Recording (MVR)

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<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

<sup>226</sup> Ibid.

<sup>227</sup> Ibid, pg.14



equipment, Electronic Control Weapon (ECW) cameras, and Body Worn Cameras in June of 2014.<sup>228</sup>

### **Policy No. 401.2: Automatic Vehicle Locators (AVL) and Officer Video Camera Use and Operation**

Effective of June 27, 2014, the East Haven Police Department enacted a policy that authorizes the use of Automatic Vehicle Locators (AVL), Mobile Video Recording (MVR) equipment, Electronic Control Weapon (ECW) cameras, and Body Worn Cameras.<sup>229</sup> Of these various pieces of equipment, Body Worn Cameras have been identified by the East Haven Police Department as being incredibly valuable in terms of enhancing the Department's effectiveness and supporting officer safety.<sup>230</sup>

Significantly, the East Haven Police Department is one of the only police departments in Connecticut to proactively and successfully implement the use of Body Worn Cameras.<sup>231</sup> Since Body Worn Cameras are a relatively new phenomenon, the effects of the devices have neither been fully realized nor studied. However, community liaison officer Lieutenant Emerman said that the body cameras have helped not only with resolving a number of complaints, but with reducing the total number of complaints received by the police department.<sup>232</sup> To better address the complaint procedure for many

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<sup>228</sup> East Haven Police Department. (2014). Policies and Procedures, Policy No.401.2 AVL and Officer Video Camera Use and Operation. Retrieved from, [http://www.easthavenpolice.com/files/1614/0208/2517/401.2\\_-\\_AVL\\_and\\_Officer\\_Video\\_Camera\\_Use\\_and\\_Operation\\_Effective\\_06-27-2014.pdf](http://www.easthavenpolice.com/files/1614/0208/2517/401.2_-_AVL_and_Officer_Video_Camera_Use_and_Operation_Effective_06-27-2014.pdf)

<sup>229</sup> Ibid.

<sup>230</sup> McCready, B. (2014). East Haven Police Department Leads the Way in Body Cameras for Officers. *East Haven, Connecticut Patch*. Retrieved December 10, 2014, from <http://patch.com/connecticut/easthaven/east-haven-police-department-leads-way-pioneering-body-cameras-officers>

<sup>231</sup> Ibid.

<sup>232</sup> Interview with Liutenant Emerman. December 3, 2014.

of East Haven’s non-English speaking residents, the police department has also enacted a Language Assistance Plan (LAP).

**Policy Number 301.2: Language Assistance Plan (LAP)**

As part of the Settlement Agreement and in an effort to improve relations between the East Haven police officers and the minority communities they serve, the police department put into effect a Language Assistance Plan on September 1, 2014. As the department acknowledged, “Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations.”<sup>233</sup> Furthermore, the East Haven Police Department has translated various items on their website into Spanish. They also translated a number of written materials available at their headquarters—including complaint forms, pamphlets, flyers, notices, and posters.<sup>234</sup>

This indicates huge progress on behalf of the East Haven Police Department. Prior to these changes, the police department did not provide limited-English proficient Latinos with appropriate language access.<sup>235</sup> They did not utilize a language line to communicate with persons who were not proficient in English and had no formal policy instructing officers in the field how to handle encounters with such persons.<sup>236</sup> Significantly, it was found that only one of the officers was fluent in Spanish in spite of

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<sup>233</sup> East Haven Police Department.(2014). Policy No. 301.2 Language Assistance Plan. Retrieved from, [http://www.easthavenpolice.com/files/9214/0682/9568/301.2 -  
\\_Language\\_Assistance\\_Policy\\_Effective\\_09-01-2014.pdf](http://www.easthavenpolice.com/files/9214/0682/9568/301.2_-_Language_Assistance_Policy_Effective_09-01-2014.pdf)

<sup>234</sup> Ibid.

<sup>235</sup> Department of Justice Complaint Letter (2012). Retrieved from, [http://www.justice.gov/crt/about/spl/documents/ehpdcomp\\_11-20-12.pdf](http://www.justice.gov/crt/about/spl/documents/ehpdcomp_11-20-12.pdf)

<sup>236</sup> Ibid.

the town's sizeable Latino population.<sup>237</sup> Needless to say, this was incredibly problematic considering that if officers are not able to communicate with certain segments of the population they are policing, they cannot adequately conduct investigations of crimes.<sup>238</sup>

Furthermore, in response to the Department of Justice's finding that the "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,"<sup>239</sup> the East Haven Police Department implemented Policy Number 207.2, the Early Intervention System.

### **Policy Number 207.2: The Early Intervention System (EIS)**

Effective of September 1, 2014, the Early Intervention System (EIS) is described as "...a data-based police management tool used to identify officers whose behavior is problematic and provide a form of intervention to correct that performance."<sup>240</sup> As demonstrated in the table below, this system operates on certain criteria referred to as "thresholds."<sup>241</sup> If an officer is found to cross a respective "threshold," a review process of said officer is conducted. Because this system acts as an early response system, the department can recognize at the offset problematic behavior and intervene before the situation worsens.<sup>242</sup>

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<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> Ibid, pg. 6

<sup>240</sup> East Haven Police Department. (2014). Policy No.207.2 Early Intervention System. Retrieved from, [http://www.easthavenpolice.com/files/9014/0682/9564/207.2\\_-\\_Early\\_Intervention\\_System\\_Effective\\_09-01-2014.pdf](http://www.easthavenpolice.com/files/9014/0682/9564/207.2_-_Early_Intervention_System_Effective_09-01-2014.pdf)

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

Figure 3.4

<b>Criterion</b>	<b>Threshold Initiator of EIS Review</b>
Firearm Discharge or Use	One Use on a Person
Taser Deployment or Use	Two Within a 60 Day Period
Baton Use/OC Use	Two Within a 60 Day Period
Non-compliant handcuffing	Three Within a 30 Day Period
Physical Use of Force	Three Within a 30 Day Period
Pursuits	Two Within a 30 Day Period
Civilian Complaints	Three Within a 90 Day period
Sick Time Use	Eight Occurrences Within a 12 Month Period
Arrests For Interfering With an Officer	Two Within a 60 Day Period
Arrests For Obstructing an Officer	Two Within a 60 Day Period
Arrests For Resisting Arrest	Two Within a 60 Day Period
Arrests For Assaults on an Officer	Two Within a 60 Day Period
<b>Criterion</b>	<b>Threshold Initiator of EIS Review</b>
Civil Law Suits	Two Within a 12 Month Period
Traffic Accidents	Three Within a 12 Month Period

**Source:** East Haven Police Department. (2014). Policy No.207.2 Early Intervention System.

To conclude, the successes of these new policies could serve as an example for other ethnically diverse communities plagued by a hostile relationship with law enforcement personnel. The question remains, however, as to why these abusive policies/police harassment of Latinos were able to occur. In the subsequent chapters, I argue that it was a “perfect storm” of unfortunate circumstances and factors that were further augmented by the social context and underlying culture of East Haven.

## **Chapter 4. The Perfect Storm**

Although two of my informants credited the abuses that were able to occur in East Haven to “a couple of guys that are now in jail,”<sup>243</sup> I argue that this was not the case. As previously provided, relevant literature on police-minority relations suggests that federal policies, minority threat, community accountability, and partisanship play a role. East Haven appears to be a perfect storm of all of these factors in varying degrees.

### **Federal Policies**

The Yale Law students’ report, taken together with the findings of the Department of Justice’s investigation, present compelling evidence in support of the role that the decentralization of federal immigration enforcement policies played in the rampant civil rights violations against the town’s Latinos residents.

To begin, the findings of the Yale Law students’ report indicate a disproportionate rate of enforcement solely against Latino/Hispanic drivers. As Figure 3.1 illustrates (pg.39), an overwhelming majority of tickets were issued to Hispanic motorists.<sup>244</sup> This is in stark contrast to the number of traffic tickets issued to other minority drivers, where only twelve tickets were issued to black drivers and two tickets were issued to Asian drivers.<sup>245</sup> This supports the conclusion that Latino drivers were specifically targeted, considering that if police officers were simply discriminating against all persons of

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<sup>243</sup> Interview with Edras Marin. February 27, 2015; Interview with Marcia Chacon on March 3, 2015.

<sup>244</sup> MacMillan, T. (2010, April 23). Report: East Haven Police Target Latinos. *New Haven Independent*. Retrieved April 1, 2015, from [http://www.newhavenindependent.org/index.php/archives/entry/report\\_tickets\\_show\\_east\\_haven\\_targets\\_latinos/](http://www.newhavenindependent.org/index.php/archives/entry/report_tickets_show_east_haven_targets_latinos/)

<sup>245</sup> Ibid.

minority descent, one would expect more tickets to be issued to black and Asian motorists.

The Department of Justice's investigative findings also solidify the influence that the decentralization of federal policies had on the events that transpired. The Department of Justice found that although the East Haven Police Department officers were not delegated with immigration enforcement authority, they used immigration law "to harass and intimidate Latinos rather than pursue legitimate law enforcement objectives."<sup>246</sup> For example, although the officers were allowed to conduct investigations pertaining to the immigration status of any individual arrested for committing a felony, many of the officers broadened this scope to conducting unauthorized immigration investigations for individuals arrested for minor offenses, such as traffic infractions.<sup>247</sup>

Although the decentralization of federal immigration powers irrefutably contributed to the events that transpired, the town of East Haven has had a long history of racial strife. As James Rawlings, president of the Greater New Haven NAACP stated, "[t]he issue of racism is embedded in the community...It's pervasive. ... This has been going on a long time..."<sup>248</sup> Rawling's comment and the evidence at hand reinforces the argument made for the minority threat hypothesis's relevance to East Haven.

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<sup>246</sup> Ibid.

<sup>247</sup> Ibid, pg. 4

<sup>248</sup> Munoz, H. (2012, January 25). East Haven Mayor: Gov. Malloy Among Critics Of East Haven Mayor Maturo's. *Tribunedigital-thecourant*. Retrieved April 3, 2015, from [http://articles.courant.com/2012-01-25/news/hc-east-haven-taco-reacts-0126-20120125\\_1\\_advisory-committee-latino-residents-police-department](http://articles.courant.com/2012-01-25/news/hc-east-haven-taco-reacts-0126-20120125_1_advisory-committee-latino-residents-police-department)

## Minority/Latino Threat

Mounting evidence suggests that the East Haven Police Department and the town have long had strained relations with persons of minority descent. This in effect lends support to the minority threat hypothesis, which suggests that hostile reactions to minorities is a result of enduring racial and ethnic divisions institutionalized in American society.<sup>249</sup>

In 1997, Robert Flodquist, an East Haven Caucasian police officer, shot Malik Jones—an unarmed, young, African American male—four times pursuant to a high-speed car chase from East Haven into New Haven.<sup>250</sup> The NAACP and other civil rights organizations claimed that the shooting of Jones was racially motivated and protests and civil rights marches ensued.<sup>251</sup> One African American woman who moved from New Haven to East Haven more than a decade ago explained that the police used to discriminate against African Americans until the “big fight around Malik Jones pushed them back.”<sup>252</sup> Although the police department has long been notorious for its hostile

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<sup>249</sup> Smith, B. W., & Holmes, M. D. (2003). Community Accountability, Minority Threat, and Police Brutality: An Examination of Civil Rights Criminal Complaints\*.

*Criminology*, 41(4), 1035–1064. doi:10.1111/j.1745-9125.2003.tb01013.x, pg.1037

<sup>250</sup> Tuhus, M. (1997, August 17). Tangled Aftermath of a Killing by Police. *The New York Times*. Retrieved from <http://www.nytimes.com/1997/08/17/nyregion/tangled-aftermath-of-a-killing-by-police.html>.

<sup>251</sup> Kovner, J. (2012, January 30). East Haven Chief: From Street Cop to Dog Pound To Center Of Federal Probe. *Hartford Courant*. Retrieved February 26, 2015, from <http://touch.courant.com/#section/-1/article/p2p-67716028/>

<sup>252</sup> Lobman, Sara. (2012, March 12). Protestors Stand Up to Cop Abuse of Latinos in East Haven, Conn. *The Militant*. Retrieved from, <http://www.themilitant.com/2012/7610/761005.html>

reaction toward the town's minority residents, incidences of racial discrimination have not been limited to the confines of the police department.<sup>253</sup>

With that being said, racial tensions have been an apparent issue with the Town of East Haven. In 1993, the New Haven chapter of the National Association for the Advancement of Colored People (NAACP) sued the town, claiming that East Haven discriminated against African Americans in its hiring practices for town jobs.<sup>254</sup>

Accordingly, the district court found:

[T]he Town [then] employ[ed] 200 full time, 26 part-time and 83 seasonal persons. On the last roster, 25% were residents of towns other than East Haven, and 75% were Town residents. According to its Equal Employment Opportunity reports from 1983 through 1996, the Town employed no blacks. The first black was hired [after the lawsuit was begun] in February 1997, as Welfare Director.<sup>255</sup>

In 1998, a federal judge ruled that East Haven had “unintentionally discriminated” against minorities and subsequently mandated that local officials keep and maintain all records of job applications and appointments, test scores and interview reports.<sup>256</sup>

Evidently, these findings lend support to the applicability of the minority threat hypothesis considering East Haven's turbulent past with racial minorities. Significantly,

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<sup>253</sup> Munoz, H. (2012, January 25). East Haven Mayor: Gov. Malloy Among Critics Of East Haven Mayor Maturo's. *Tribunedigital-thecourant*. Retrieved April 3, 2015, from [http://articles.courant.com/2012-01-25/news/hc-east-haven-taco-reacts-0126-20120125\\_1\\_advisory-committee-latino-residents-police-department](http://articles.courant.com/2012-01-25/news/hc-east-haven-taco-reacts-0126-20120125_1_advisory-committee-latino-residents-police-department)

<sup>254</sup> Singer, S. (2012, January 30). WATCH: East Haven Mayor Says Police Chief's Retirement Is “Selfless”. *The Huffington Post*. Retrieved March 3, 2015, from [http://www.huffingtonpost.com/2012/01/30/joseph-maturo-east-haven-says-police-chef-retirement-selfless\\_n\\_1242353.html](http://www.huffingtonpost.com/2012/01/30/joseph-maturo-east-haven-says-police-chef-retirement-selfless_n_1242353.html)

<sup>255</sup> NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE NAACP v. TOWN OF EAST HAVEN. (2001, August 1). *Findlaw*. Retrieved March 3, 2015, from <http://caselaw.findlaw.com/us-2nd-circuit/1215121.html>

<sup>256</sup> Singer, S. (2012, January 30). WATCH: East Haven Mayor Says Police Chief's Retirement Is “Selfless”. *The Huffington Post*. Retrieved March 3, 2015, from [http://www.huffingtonpost.com/2012/01/30/joseph-maturo-east-haven-says-police-chef-retirement-selfless\\_n\\_1242353.html](http://www.huffingtonpost.com/2012/01/30/joseph-maturo-east-haven-says-police-chef-retirement-selfless_n_1242353.html)



however, my findings suggest that the influence of the Latino threat narrative coupled with the town's rapid demographic change also played a pivotal role in the incidences of abuse against the town's Latino residents.

In an interview with Edras Marin, a Latino resident of East Haven who experienced the effects of EHPD's biased policing firsthand, I asked him what he believed to be the reasoning of the discriminatory policing to which he replied:

It's not only right here, it's all around the United States. Everything, you know? Most people... they are bothered by the...immigrant peoples because...they suppose that...when we come [to the United States] we take their jobs... people may not like the skin, they don't like my language, they don't like a lot of things about us...you know, a lot of things...a lot of things...you never know...sometimes it's for personal problems, you know.<sup>257</sup>

Another interviewee expressed sentiments similar to those as described by Marin. When asked what she believed to be the reasoning behind the discriminatory policing she dismissed the claim entirely, focusing instead on the legal status of immigrants: "I have watched this town I call home like many people have been taken over by illegals. I don't think racial profiling was even happening to start off with, but even if it was, it would cease if people came here legally like our ancestors..."<sup>258</sup>

Evidently, Marin's explanation, in addition to the informant's comment provided above, lends great support to the influence the Latino threat narrative had on the events that transpired. In addition to the role that the Latino threat rhetoric played, mounting evidence suggests that East Haven's rapid demographic change exacerbated this perceived threat.

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<sup>257</sup> Interview with Edras Marin. February 27, 2015

<sup>258</sup> Interview with InformantF3

Once revered as a static place, long-term residents of East Haven are struggling with the town's new residents, and in essence, its new identity. Historically, East Haven has been a predominantly white, Italian-American seaside town. In the last twenty years, however, the town's Latino population has quadrupled to approximately 1,900 persons. The majority of these persons have settled along the western side of Main Street.

Although the absolute number of Latino persons that have settled in the town is relatively small, the rapid pace of demographic change coupled with their concentrating in a certain area of East Haven has made their presence incredibly visible—and in effect, threatening. Two of my interviewees expressed how much “East Haven has changed”<sup>259</sup> and how “things aren't what they used to be.”<sup>260</sup> One informant, when I asked her how she would describe East Haven to an outsider, only commented on how “the old East Haven used to be.”<sup>261</sup> She provided: “Staven was a town where everyone knew everyone... or at least their business [laughs]...close-knit, neighbors helping neighbors...inviting everyone over for big family Sunday dinners...”<sup>262</sup> Although she did not comment on whether or not these characteristics remain true today, I can only assume that since she specified that she was describing the “old” East Haven that she feels as though things are different now.

The streetscape of East Haven's Main Street attests to the validity of these observations. Formerly, the majority of stores and restaurants that ran along the west end of Main Street were run and owned by Italians and catered to Italians. However, beginning in the mid-2000s, this began to change as Latinos started moving to the town

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<sup>259</sup> Interview with InformantM1

<sup>260</sup> Interview with InformantF2

<sup>261</sup> Interview with InformantF5

<sup>262</sup> Interview with InformantF5

from New Haven for cheaper rent and a calmer life.<sup>263</sup> In an attempt to cater to this new and ever-growing population, the town's Latino residents started opening their own shops and restaurants. Today, Main Street is comprised of many Ecuadorian restaurants, bakeries, and bodegas. Indeed, it is far different than the "way things used to be."

Preliminary evidence suggests that the Town of East Haven responded restrictively to this influx of Latino immigrants and changing streetscape. Under Democratic mayor April Capone Almon, an anti-blight ordinance passed after it was unanimously approved by an all-white Town Council in 2009.<sup>264</sup> Although it was said that this piece of legislation was not discriminatory in nature, some feared that it was deliberately enacted to target Latino businesses and homes on the west end of Main Street.<sup>265</sup> Significantly, the fears of the legislation's opponents are not unfounded. Growing evidence suggests that "quality of life" ordinances, including anti-blight ordinances, have been frequently implemented in communities attempting to limit the number of illegal immigrants coming into their respective areas.<sup>266</sup> This is credited to the fact these ordinances often have a disparate impact on immigrant and Latino communities.<sup>267</sup>

In sum, although this minority threat hypothesis is relevant to East Haven, it does not fully explain why East Haven has responded so negatively to its new residents. That

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<sup>263</sup> Wessler, S. (2012, February 2). How East Haven, Conn., Became Synonymous With Racial Profiling. *COLORLINES*. Retrieved April 13, 2015, from [http://colorlines.com/archives/2012/02/on\\_sunday\\_afternoon\\_about\\_ten.html](http://colorlines.com/archives/2012/02/on_sunday_afternoon_about_ten.html)

<sup>264</sup> East Haven Town Council. 2009. Regular Meeting Minutes. Retrieved from, <http://www.townofeasthavenct.org/pdf/minutes/tcouncil/tcouncil-min-dec0809.pdf>

<sup>265</sup> Ibid.

<sup>266</sup> Martos, S. D. (2010). Coded Codes: Discriminatory Intent, Modern Political Mobilization, and Local Immigration Ordinances. *NYUL Rev.*, 85, 2099.

<sup>267</sup> Ibid.

said, East Haven is not unique with respect to its having racial tensions or realizing the profound effects of this new wave of immigration. Many “non-traditional” gateway destinations throughout the country have undergone a rapid demographic change in terms of its Latino population, however, not all have had such a restrictive response toward its newcomers. In fact, many have either proposed or implemented immigrant “sanctuary” ordinances and other integrative strategies.<sup>268</sup> I argue that a factor that accounts for this difference in receptiveness between East Haven and other towns experiencing similar demographic change is the town’s partisanship.

### **Partisanship**

The hypothesis relating to the partisanship of a respective community and the influence governing body officials has over discriminatory policing behaviors is relevant to East Haven to a certain degree. Accordingly, of the 15,925 registered voters in East Haven, 5,683 are registered as Democrats, 2,544 are registered as Republicans, 7,681 are registered as unaffiliated, and seventeen are registered to minor parties.<sup>269</sup> Although there appears to be essentially twice as many registered Democrats than there are registered Republicans, more Republican mayors have been elected to office in East Haven. The exhaustive list of East Haven’s mayors—from former to present—is provided below.

#### **List of East Haven Mayors from 1969 to Present:**

Francis W. Messina: Republican 1969-1975  
Anthony Proto: Democrat 1975-1985  
Robert M. Norman: Republican 1985-1991  
Henry J. Luzzi: Democrat, 1991-1997  
Joseph A. Maturo, Jr.: Republican, 1997-2007

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<sup>268</sup> Walker, K. E., & Leitner, H. (2011). The Variegated Landscape of Local Immigration Policies in the United States. *Urban Geography*, 32(2), 156–178. doi:10.2747/0272-3638.32.2.156

<sup>269</sup> "Summary of Registration and Party Enrollment in Connecticut by Congressional District, October 2007". State of Connecticut. Retrieved 2015, February 15.

April Capone: Democrat, 2007-2011  
Joseph A. Maturo, Jr: Republican, 2011-Present<sup>270</sup>

Based upon the number of Republican mayors that have been elected to serve East Haven to date, it appears as though the town's residents tend to lean "more right" on the political spectrum. This in effect lends support to Ramakrishnan and Wong's (2007) hypothesis concerning the role that partisanship plays with immigrant-restrictive ordinances.<sup>271</sup> Additionally, the findings at hand fortifies Lewis and Ramakrishnan's (2007) hypothesis concerning the influence the local governing body has on its police department's practices pertaining to immigration enforcement.

The mayor of East Haven assumes both a vital and influential role in regards to the functioning of the police department. The mayor is responsible not only for appointing the Chief of Police, but is in charge of appointing the Board of Police Commissioners ("The Board") each year. The Board is delegated with the responsibility to oversee the East Haven Police Department, as well as establish policy and rules of conduct for the police department and appoint and remove its officers and employees.<sup>272</sup>

As Lewis and Ramakrishnan (2007) argued, "...bureaucracies take political cues and... police practices tend to follow the direction set by elected officials and local electoral outcomes."<sup>273</sup> Maturo gained great condemnation from the public following a

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<sup>270</sup> East Haven, Connecticut. (2015, March 17). In *Wikipedia, the Free Encyclopedia*. Retrieved from

[http://en.wikipedia.org/w/index.php?title=East\\_Haven,\\_Connecticut&oldid=651821511](http://en.wikipedia.org/w/index.php?title=East_Haven,_Connecticut&oldid=651821511)

<sup>271</sup> Ramakrishnan, S. K., & Wong, T. (2007). Immigration policies go local: The varying responses of local governments to undocumented immigration. *Unpublished paper*. University of California, Riverside.

<sup>272</sup> Ibid.

<sup>273</sup> Lewis, P. G., & Ramakrishnan, S. K. (2007). Police Practices in Immigrant-Destination Cities Political Control or Bureaucratic Professionalism? *Urban Affairs Review*, 42(6), 874–900, pg.877 doi:10.1177/1078087407300752

racially insensitive remark he made pursuant to the arrests of the “Miller’s Boys.” When asked what he would do for the Latino community, Maturo responded that he “may have tacos” for dinner that night. Connecticut Governor Malloy referred to Maturo’s comments as “repugnant” and “unacceptable,” adding that “[t]hey represent either a horrible lack of judgment or worse, an underlying insensitivity to our Latino community that is unacceptable.”<sup>274</sup> This blatantly racist remark solidifies the suspicions of many persons who believe Maturo played a part in the events that transpired. As one of East Haven’s residents I interviewed explained:

[After hearing about the arrests of the officers] I never even made the connection between Maturo [and the officers]...but then I heard what he said...and I just thought how...as mayor... can you not see what’s going on in your town?...I guess a red flag went up and I just thought...you know what? Maybe he was the real problem after all.<sup>275</sup>

Although some may credit the restrictive police response to the political leanings of the community and Republican Mayor Maturo, this hypothesis falls short in two respects in terms of its applicability to East Haven. To begin, it does not adequately explain why East Haven, and not all Republican-leaning Connecticut localities, has had such a restrictive response toward immigrants. For example, although New Britain, Meriden, Bristol, and Stratford all have Republican mayors currently in office, none of these localities have enacted immigrant restrictive legislation.

Furthermore, the governing bodies of East Haven—including Maturo—never actually adopted any formal policy pertaining to immigration. The East Haven Police

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<sup>274</sup> Munoz, H. (2012, January 25). East Haven Mayor: Gov. Malloy Among Critics Of East Haven Mayor Maturo’s. *Tribunedigital-thecourant*. Retrieved April 3, 2015, from [http://articles.courant.com/2012-01-25/news/hc-east-haven-taco-reacts-0126-20120125\\_1\\_advisory-committee-latino-residents-police-department](http://articles.courant.com/2012-01-25/news/hc-east-haven-taco-reacts-0126-20120125_1_advisory-committee-latino-residents-police-department)

<sup>275</sup> Interview with InformantM1

Department never had an agreement with the Immigration and Customs Enforcement (“ICE”) that would have allowed them to delegate immigration enforcement to one of their police officers.<sup>276</sup> Nonetheless, the East Haven police officers were authorized to conduct an immigration investigation if the individual was arrested for a crime classified as a felony or if the detainee provided a foreign passport.<sup>277</sup>

The fact that the East Haven police officers were authorized to conduct an immigration investigation though they were never officially trained or bestowed with such a responsibility by the mayor attests directly to both the formal and informal characteristics of the East Haven Police Department. This, in effect, lends vast support to the community accountability hypothesis.

### **Community Accountability**

The community accountability hypothesis stresses the influence that both the “formal and informal characteristics” of police departments have on police-minority tensions and police brutality.<sup>278</sup> My interview with Lieutenant Emerman, as well as the evidence presented in the Department of Justice’s findings, support this hypothesis. When I went to interview Lieutenant Emerman at the East Haven Police Department, he expressed how outdated the former policies were and the problems that arose as a result.<sup>279</sup> He further explained how long it took to update the policies to conform to

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<sup>276</sup> Department of Justice, Civil Rights Division. (2011, December 19). East Haven Findings Letter. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/easthaven\\_findletter\\_12-19-11.pdf](http://www.justice.gov/crt/about/spl/documents/easthaven_findletter_12-19-11.pdf)

<sup>277</sup> Ibid.

<sup>278</sup> Smith, B. W., & Holmes, M. D. (2003). Community Accountability, Minority Threat, and Police Brutality: An Examination of Civil Rights Criminal Complaints\*. *Criminology*, 41(4), 1035–1064. doi:10.1111/j.1745-9125.2003.tb01013.x; Skolnick, J. H., & Fyfe, J. J. (1993). *Above the law: police and the excessive use of force*. Free Press.

<sup>279</sup> Interview with Lieutenant Emerman. December 3, 2014.

current state laws and compared the relative thicknesses of the former policing manual to the one currently used by the department.<sup>280</sup>

Moreover, the Department of Justice explicitly credited the vast abuses to the East Haven Police Department's failure to develop and implement policies and practices that would protect against such discriminatory policing.<sup>281</sup> For example, the Department of Justice concluded that the complaint procedure which the East Haven Police Department followed was not only "seriously deficient," but was "designed in a way that discourages community participation and especially participation by the Latino community."<sup>282</sup> Furthermore, complaint forms were only available at the police station, were printed only in English despite the town's sizeable Latino population, contained "repeated admonitions regarding criminal liability for making false statements to police officers," and would not be accepted unless notarized by a police officer.<sup>283</sup> This is incredibly problematic, because effective law enforcement is dependent upon public trust in the police, which rests in large part on fair and transparent systems for handling civilian complaints of police misconduct.<sup>284</sup>

It was also found that that East Haven Police Department "...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

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<sup>280</sup> Ibid.

<sup>281</sup> Department of Justice. (2012). Complaint. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/ehpdcomp\\_11-20-12.pdf](http://www.justice.gov/crt/about/spl/documents/ehpdcomp_11-20-12.pdf), pg.5

<sup>282</sup> Ibid.

<sup>283</sup> Ibid.

<sup>284</sup> ACLU.(2012). Protect, Serve, and Listen: accepting civilian complaints at Connecticut Police Departments. Retrieved from <http://acluct.org/wp-content/uploads/2012/12/protectservelisten.pdf>



misleading.”<sup>285</sup> Accordingly, officers were not provided with any guidance pertaining to bias in policing, other than being told that discrimination was prohibited.<sup>286</sup> For example, officers were not given any guidance on how they should communicate with the town’s Spanish-speaking residents nor were they given sufficient diversity or cultural sensitivity training.<sup>287</sup> This, in effect, greatly hindered police officers’ ability to understand and interact with members of the community.<sup>288</sup>

Significantly, the Department of Justice indicated that these abuses were only able to persist because of the East Haven Police Department’s inadequate systems of “oversight, accountability training, and policies.”<sup>289</sup> In fact, the Department of Justice explained that if the East Haven Police Department “had adequate systems of oversight in place, it could have performed such an analysis, discovered this problem [of racial discriminating] and corrected it. However, no such analysis was performed.”<sup>290</sup>

Perhaps most interesting is that the Department of Justice expressed grave concern that the EHPD leadership, namely, Chief Gallo, created a “hostile and intimidating environment” for anyone that sought to provide relevant information to the DOJ investigation.<sup>291</sup> Accordingly, the report cited “messages on a police union bulletin

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<sup>285</sup> Department of Justice. (2012). Complaint. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/ehpdcomp\\_11-20-12.pdf](http://www.justice.gov/crt/about/spl/documents/ehpdcomp_11-20-12.pdf)

<sup>286</sup> Ibid.

<sup>287</sup> Ibid.

<sup>288</sup> Ibid.

<sup>289</sup> Department of Justice. (2009). Findings letter. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/easthaven\\_findletter\\_12-19-11.pdf](http://www.justice.gov/crt/about/spl/documents/easthaven_findletter_12-19-11.pdf)

<sup>290</sup> Department of Justice. (2012). Complaint. Retrieved from, [http://www.justice.gov/crt/about/spl/documents/ehpdcomp\\_11-20-12.pdf](http://www.justice.gov/crt/about/spl/documents/ehpdcomp_11-20-12.pdf)

<sup>291</sup> Ibid.

board that referred to ‘rats’ at EHPD.”<sup>292</sup> The report also indicated that “Chief Gallo had warned that DOJ had agreed to provide him with the names of individuals who cooperated with the investigation,” even though DOJ investigators had told him that the names and identities would remain confidential.<sup>293</sup>

Evidently, the Department of Justice’s findings attest directly to the role that the quality (or lack thereof) of leadership—namely, the Chief of Police—has in terms of the functioning of the East Haven Police Department. The Chief of Police, under the general supervision of the Mayor and Board of Police Commissioners, oversees and controls all activities of East Haven’s police department.<sup>294</sup> Examples of key responsibilities include:

- Setting and directing the implementation of goals, policies, procedures and work standards for the department;<sup>295</sup>
- Reviewing and evaluating the work of both sworn and non-sworn officers—disciplining the staff as required;<sup>296</sup>
- Providing both policy guidance and policy interpretation to staff to better ensure that the laws, ordinances and policies are consistently enforced;<sup>297</sup>
- Contributing to the overall quality of the police department's service by developing, reviewing and implementing policies and procedures to meet legal requirements and Town needs;<sup>298</sup>
- Overseeing the totality of East Haven police functions—including, patrol, crime prevention, investigation, traffic enforcement, dispatch and records;<sup>299</sup>
- Making recommendations and implementing the changes necessary to meet East Haven’s current and long-term needs;<sup>300</sup> and,
- Keeping up with recent changes in laws, court decisions, regulations and technological advances that may impact the department’s operations; and

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<sup>292</sup> Bass, P. (2012, January 25). Grand Jury Probes Gallo & Evidence Tampering. *New Haven Independent*. Retrieved March 10, 2015, from [http://www.newhavenindependent.org/index.php/archives/entry/grand\\_jury\\_probes\\_alleged\\_report\\_rewriting/](http://www.newhavenindependent.org/index.php/archives/entry/grand_jury_probes_alleged_report_rewriting/)

<sup>293</sup> Ibid.

<sup>294</sup> Emerman, David. E-mail interview. 3 Mar. 2015.

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

<sup>298</sup> Ibid.

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.

implementing the respective changes.<sup>301</sup>

Given how much power and authority is afforded to the Chief of Police, the personal characteristics and behavioral tendencies of that person inevitably plays a significant role in regard to the functioning and practices of the police department.<sup>302</sup> Prior to coming to East Haven, Leonard Gallo served as both a police commander and homicide detective in New Haven.<sup>303</sup> Under former Police Chief Billy Farrell in the 1980s—a period in which New Haven was characterized by strained relations between police officers and African-Americans—Gallo allegedly thrived.<sup>304</sup> He was regarded as an “ambitious” and “aggressive cop,” known for his “rough” policing tactics on the street.<sup>305</sup> However, it was reported that he did not get along or agree with the next chief, “progressive” and “controversial,” Nick Pastore and his new “modern” policing tactics.

Pastore—who had been nominated by New Haven’s first black mayor, John Daniels—was considered a chief with a mission.<sup>306</sup> He wanted to effect community policing in New Haven and restore relations between the city’s officers and its minority

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<sup>301</sup> Ibid.

<sup>302</sup> Lewis, P. G., Provine, D. M., Varsanyi, M. W., & Decker, S. H. (2013). Why Do (Some) City Police Departments Enforce Federal Immigration Law? Political, Demographic, and Organizational Influences on Local Choices. *Journal of Public Administration Research and Theory*, 23(1), 1–25. doi:10.1093/jopart/mus045

<sup>303</sup> Kovner, J. (2012, January 30). East Haven Chief: From Street Cop to Dog Pound To Center Of Federal Probe. *Hartford Courant*. Retrieved February 26, 2015, from <http://touch.courant.com/#section/-1/article/p2p-67716028/>

<sup>304</sup> Ibid.

<sup>305</sup> Bass, P. (2012, January 25). Grand Jury Probes Gallo & Evidence Tampering. *New Haven Independent*. Retrieved March 23, 2015, from [http://www.newhavenindependent.org/index.php/archives/entry/grand\\_jury\\_probes\\_alleged\\_report\\_rewriting/](http://www.newhavenindependent.org/index.php/archives/entry/grand_jury_probes_alleged_report_rewriting/)

<sup>306</sup> Ibid.

community.<sup>307</sup> One of his top priorities as chief was to disband the “Beat-Down Posse”— a group of officers that were alleged to have routinely stopped on random street corners in the predominantly African American neighborhoods of New Haven and “rough people up.”<sup>308</sup> It was reported that under Pastore’s leadership, a number of officers who had been loyal to the former police chief retired. Gallo, however, remained and was later demoted by Pastore to be in charge of New Haven’s dog pound, as it was said that Pastore did not trust Gallo’s ability to “deal with people.”<sup>309</sup>

The Department of Justice’s findings, as well as Gallo’s “tough cop” behavioral tendencies lend support to the community accountability hypothesis. Significantly, however, the question remains as to why Gallo was hired to serve as the Chief of Police in East Haven, in spite of his “tough cop” reputation and inclination toward “old-fashioned” policing policies. It has been said that Gallo was hired by Maturo as a result of their being close friends. Although this detail may seem trivial, this decision is largely reflective of the underlying insular culture of East Haven, which constituted yet another factor of the “perfect storm.”

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<sup>307</sup> Ibid.

<sup>308</sup> Ibid.

<sup>309</sup> Ibid.

## **Chapter 5.**

### **East Haven Underlying Culture**

In my interview with Brent Larrabee, the current Chief of Police at the East Haven Police Department, he told me that residents of East Haven were somewhat wary of outsiders.<sup>310</sup> This sentiment was confirmed not only by two other interviewees, but my own experiences with the town. For example, in response to my asking one informant how she would describe local relations surrounding the increase in the town's Latino/immigrant population, she seemed to insinuate that there was a general "two worlds" of sorts that, most likely, would not intertwine. Accordingly she provided:

For the most part, I wouldn't say it was negative or positive. Everybody seems to do their own thing...they have their neighborhoods, we have ours. I think just because the language barrier...just the cultural barrier that exists, but it's not like there's really a stigmatization. Just kind of everyone minds their own business.<sup>311</sup>

Furthermore, in my attempt to collect interviews for the present study, I found that I was having an incredibly difficult time getting people, including East Haven's mayor, to talk to me about the events that had transpired between the police department and the town's Latino residents. For example, when I asked Mr. Maturo to speak with me about the recent changes East Haven has undergone demographically, he advised me to "look it up online." Additionally, when I conducted my "on-the-street" interviews, each person I asked what their opinion was regarding the new policies adopted by the police department, no one knew what policies had been adopted or what was "really any different."<sup>312</sup> As one informant provided when asked if he was aware of the town's new

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<sup>310</sup> Interview with Brent Larabee. November 19, 2014.

<sup>311</sup> Interview with InformantF2

<sup>312</sup> Interview with InformantM4

immigration policing policy, he provided: “No, not really... I may have seen an article on the news, but I don’t really follow local news too much.”<sup>313</sup>

The insular nature of the town led me to believe that there was some underlying socio-cultural aspect of East Haven that constituted yet another factor of the “perfect storm.” The town’s insular nature is indicative of East Haven’s low levels of bridging social capital, which is, in large part, a result of the vast number of East Haven residents claiming Italian ancestry coupled with the deficit of non-governmental organizations (NGOs) in the town.

### **Italian-Americans**

Five of those interviewed, when asked how they would describe East Haven to an outsider, mentioned the town’s sizeable Italian population. One informant described “Staven... [as] a Little Italy,”<sup>314</sup> another laughingly commented on the abundance of “Vinnys, Ginos, and Sofias”<sup>315</sup> in the town. Another interviewee described East Haven as “...normal ...not anything too special... [and having] a lot of Italians.”<sup>316</sup>

As the informants’ responses and table below indicate, East Haven is overwhelmingly Italian-American: today, approximately forty-three percent of East Haven residents claim Italian ancestry, compared to 19.3 percent of Connecticut’s total population.

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<sup>313</sup> Ibid.

<sup>314</sup> Interview with InformantM1

<sup>315</sup> Interview with InformantF2

<sup>316</sup> Interview with InformantM4

**Table 5.1 East Haven Ancestry By Percentage 1980, 1990, 2000**

Year	1980	1990	2000
Italian:	40.60%	46.30%	47.20%
English:	4.30%	6.10%	3.40%
French (except Basque):	1.60%	2.20%	2.40%
German:	2.90%	7.30%	4.40%
Irish:	6.60%	11.90%	10.40%
Polish:	3.20%	6.10%	5.00%
United States or American:	n/a	1.90%	0%
Race or Hispanic origin groups:	n/a	2.40%	1.20%
Other Groups:	33.80%	10.60%	14.20%
Unclassified or not reported:	7.00%	5.20%	11.80%

**Source:** U.S. Census Bureau. East Haven Ancestry

Italian-American communities have long been understood to be insular in nature. Some scholars suggest that this is in large part due to the strong ties that exist within Italian-American families.<sup>317</sup> The strong emphasis on family is believed to have been a “survival mechanism” of sorts that was developed centuries ago in Italy.<sup>318</sup> Accordingly, due to the oppression they faced from invading forces, as well as from their own governments, Italians learned to rely on their extended family and fellow village residents.<sup>319</sup> They also learned to distrust outsiders.<sup>320</sup> This tradition continued in the United States when they encountered prejudice and racism.

At the end of the nineteenth century, droves of Italians began migrating to Connecticut—settling primarily in the state’s urban centers—namely, New Haven, Hartford, Bridgeport, New Britain, and Waterbury. New Haven experienced the highest

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<sup>317</sup> Horne, A. M., & Kiselica, M. S. (1999). *Handbook of Counseling Boys and Adolescent Males: A Practitioner’s Guide*. SAGE Publications.

<sup>318</sup> Ibid.

<sup>319</sup> Ibid.

<sup>320</sup> Ibid.

rate of Italian immigration coinciding with the city's economic growth.<sup>321</sup> Significantly, as mentioned above, Italian immigrants faced great antagonism. They were called “swarthy sons of sunny Italy” and viewed as “unassimilable African racial stock.”<sup>322</sup> Consequently, it has been argued that in response to the early racism against them, they created a new identity for themselves.<sup>323</sup> This new identity entailed separating themselves from other “dark-skinned” peoples, as Italian immigrants learned that “achievement in their new environment meant successfully differentiating themselves from the dark-skinned other.”<sup>324</sup>

Following the end of World War II, thousands of New Haven's Italian-Americans began migrating out of the city and into the suburbs. Historical evidence suggests that Italian-Americans began leaving New Haven as a result of the city becoming more racially diverse—a “white flight” of sorts—potentially in response to their desire to separate themselves from the other migrants moving to the city. Significantly, however, the Italian-Americans leaving did not disperse among New Haven's suburbs uniformly.<sup>325</sup> Due to their distrust of outsiders, they primarily settled in areas with high concentrations of Italians.<sup>326</sup> Accordingly, large numbers of Italian-Americans migrated to Branford, North Haven, Hamden, and West Haven.<sup>327</sup> Some of the most affluent settled in

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<sup>321</sup> Mick, A., White, Lula. *Italians and Blacks in New Haven: The Establishment of Two Ethnic Communities*. Retrieved from, <http://www.yale.edu/ynhti/curriculum/units/1978/2/78.02.06.x.html>

<sup>322</sup> Radway, J. A., Gaines, K., Shank, B., & Eschen, P. V. (2009). *American Studies: An Anthology*. John Wiley & Sons.

<sup>323</sup> Ibid.

<sup>324</sup> Ibid.

<sup>325</sup> Riccio, A. V. (1998). *Italian American Experience in New Haven, The*. SUNY Press.

<sup>326</sup> Ibid.

<sup>327</sup> Ibid.



Orange.<sup>328</sup> The majority of the Italian-Americans, however, relocated to East Haven.<sup>329</sup> As Horne and Kiselicia explain, “These communities were viewed by Italian-Americans as safe havens from the disparaging and exploitive behavior of outsiders.”<sup>330</sup>

Italian-Americans’ insular nature, distrust of outsiders, and desire to separate themselves from “dark-skinned” others lend support to my finding that East Haven suffers from low levels of bridging social capital. To lend further support to my finding that East Haven suffers from low levels of bridging social capital, I studied the number of non-governmental organizations (NGOs) in the town and compared it to other towns that are geographically close to East Haven and towns that are of similar population size.

## **NGOs**

The number of non-governmental organizations in a certain community is an effective measurement of a community’s social capital, because a higher number of NGOs is associated with higher civic engagement.<sup>331</sup> In turn, higher civic engagement within a community translates to higher levels of social cohesion.<sup>332</sup> The Organization for Economic Cooperation and Development (OECD) describes a cohesive society as one that “works towards the well-being of all its members, fights exclusion and marginalization, creates a sense of belonging, promotes trust, and offers its members the

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<sup>328</sup> Ibid.

<sup>329</sup> Ibid.

<sup>330</sup> Ibid.

<sup>331</sup> Civic Engagement and Social Cohesion: Measuring Dimensions of Social Capital to Inform Policy. (2014). Retrieved May 3, 2015, from [http://www.nap.edu/openbook.php?record\\_id=18831](http://www.nap.edu/openbook.php?record_id=18831)

<sup>332</sup> Ibid.

opportunity of upward mobility.”<sup>333</sup> In this view, a “non-cohesive” society would exhibit exclusivity, distrust, and oppression.

To eliminate the possibility that towns with more people will have more NGOs in their respective community, I calculated the number of NGOs per 1,000 people in each of the localities. My results are provided in the table below.

**Table 5.2 Number of Non-Governmental Organizations Per 1,000 Persons**

<b>Town</b>	<b>Population</b>	<b>Number of NGOs</b>	<b>NGOs/1,000 people</b>
<b>Connecticut:</b>	3,597,000	20,229	5.624
East Haven	28,590	64	2.239
Vernon	29,839	81	2.715
West Haven	52,420	151	2.881
Naugatuck	31,931	102	3.194
Groton	39,167	139	3.549
South			
Windsor	25,966	103	3.967
Newington	29,699	137	4.613
Branford	28,969	144	4.971
New Milford	28,338	147	5.187
Newtown	26,737	143	5.348
Orange	13,781	78	5.672
Trumbull	34,688	197	5.679
Wethersfield	25,719	148	5.755
Cheshire	29,066	174	5.986
Windsor	28,851	175	6.066
Glastonbury	33,263	206	6.193
Hamden	57,862	370	6.395
North Haven	23,961	178	7.429
New London	25,891	199	7.686
New Haven	129,779	1050	8.091
Woodbridge	9,193	99	10.769
Westport	26,592	323	12.147

**Source:** GuideStar Non-Profit Reports and Forms

<sup>333</sup> OECD (2011), Perspectives on Global Development 2012: Social Cohesion in a Shifting World, OECD Publishing. Retrieved from, [http://dx.doi.org/10.1787/persp\\_glob\\_dev-2012-en](http://dx.doi.org/10.1787/persp_glob_dev-2012-en)

As illustrated by the table above, East Haven has the smallest number of NGOs per 1,000 people (2.239/1,000 people) of all the localities included in my analysis. It has a rate approximately half the Connecticut state average, which is 5.624 per 1,000 people. Additionally, East Haven has approximately one fourth of the number of NGOs in New Haven (8.091 per 1,000 people). Considering that New Haven has traditionally been regarded as an “immigrant-receptive” place, this is especially telling. Thus, it could be argued that what accounts for the stark divergence in these communities’ “immigrant-receptiveness” is their levels of social capital.

Because my findings are preliminary, a more fruitful examination of East Haven’s social capital is warranted. In spite of this, however, the findings at hand provide support for my hypothesis: namely, that East Haven’s low levels of bridging social capital created a conducive environment in which the previously identified factors combined to produce anti-immigrant policing behavior.

## Chapter 6. Conclusion

In this study, I sought to identify and understand the factors that contributed to East Haven's abusive policies/police harassment of Latinos, as well as see if the new policing/immigration strategies adopted by the EHPD can improve local relations and trust among Latinos. Although the vein of previous literature on police-minority relations seem to suggest that there is more support for the minority threat hypothesis than the community accountability hypothesis, my findings suggest that it was a "perfect storm" of factors and circumstances that contributed to the proliferation of civil rights abuses against the Latino residents. In addition to these previously hypothesized factors, the underlying culture and social context of East Haven created a conducive environment in which these various elements could result in anti-immigrant policing.

This thesis contributes to the pre-existing literature on immigration and a community's receptiveness toward growing diversity. Most of the literature on local responses to immigration and social capital focuses on the way in which social capital may decline in the presence of growing diversity. My findings indicate that low social capital contributes to an inability to respond to immigrants effectively. Future research could fruitfully pursue other measures of social capital to lend more support to my findings of the effects low social capital has on a community's ability to respond positively to new residents. Likewise, it would be interesting to conduct an analysis on how well educated a community is and its correlation with a receptiveness toward immigrants. Based on a number of documents I came upon during the course of my research, it appears as though East Haven's education system is failing.

To date, it appears as though things have changed in the East Haven Police Department with regard to its enforcing this nation’s laws in a lawful and constitutional manner. A recent report issued by the Connecticut Racial Profiling Prohibition Project supports such a claim. The report, which consists of an analysis of traffic stop data for each Connecticut police department between October 1, 2013 and September 30, 2014, shows that the East Haven Police Department is enforcing traffic laws in a non-discriminatory fashion.<sup>334</sup> As the table below illustrates, there is no racial and ethnic disparity for motor vehicle stops considering that the traffic stops are nearly proportional to the racial composition of the town.

**Table 6.1 East Haven Traffic Stop Data By Race Percentage (2013 to 2014)**

White	92.40%
Black	6.40%
Asian	0.60%
Indian American/ Alaskan Native	0.60%
Middle Eastern	2.60%
Hispanic	11.50%

**Source:** Connecticut Racial Profiling Prohibition Project, 2013-2014

The question remains, however, as to how far the success of the East Haven Police Department will extend toward changing local culture. The report issued by the Connecticut Racial Profiling Prohibition Project noted racial and ethnic disparities for motor vehicle stops in several other Connecticut police departments. In Granby (CT), for example, it was found that nine percent of all traffic stops involved a minority driver.<sup>335</sup>

<sup>334</sup> Scinto, R. (2015, April 12). Report Finds Racial Disparities in Connecticut Traffic Stops, Troop C Noted. *Tolland, Connecticut Patch*. Retrieved April 14, 2015, from <http://patch.com/connecticut/tolland/report-finds-racial-disparities-connecticut-traffic-stops-troop-c-noted-1>

<sup>335</sup> Ibid.

Of that nine percent, 5.66 percent involved black drivers.<sup>336</sup> This is incredibly telling because Granby’s total black population over the age of sixteen is a mere .92 percent.<sup>337</sup> The authors of the report noted that there are “sufficiently strong results to make a determination that these results indicate the presence of a significant racial and ethnic disparity that is occurring in Granby.”<sup>338</sup> In addition to Granby, the Report specifically mentioned twelve other departments—namely, Wethersfield, Hamden, Manchester, New Britain, Stratford, Waterbury, East Hartford, Meriden, Newington, Norwich, New Haven and Windsor—whose motor vehicle traffic stop data displayed a presence of a significant racial and ethnic disparity.<sup>339</sup> Although these findings are preliminary and in no way conclusive, they do reveal a troubling trend of discriminatory policing on the state-wide level. It would be interesting for future research to conduct an analysis of any one of these localities to see if they share any of the same characteristics as East Haven.

Moreover, it is worth questioning how much local culture will change absent any third party intervention. Given how insular police departments are, the amount of discretion officers entertain in their day-to-day policing practices, and the seemingly unbridled power police enjoy, it is incredibly difficult to effect change through mere civilian efforts. The sad truth of the matter is that it seems rather improbable that the East Haven Police Department would have changed its unlawful policing practices had the Department of Justice not intervened. Unfortunately, given the finite resources the Department of Justice has, it is unlikely that it will investigate the practices of every police department around the country.

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<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

<sup>338</sup> Ibid.

<sup>339</sup> Ibid.

Third party intervention aside, the blatant civil rights violations committed against East Haven's Latino residents should be read as a cautionary tale for other diverse communities around the country. As the case at present demonstrates, involving local police in immigration enforcement carries dire ramifications for both immigrants and broader police-community relations. It not only erodes relations of trust between police and immigrant communities, it encourages racial profiling.

In spite of these adverse consequences, however, given how salient and polarizing an issue illegal immigration has been in recent years, I fear that the trend of allowing local police to act as immigration enforcement officers will continue to escalate. Accordingly, there are several policy recommendations I would propose to prevent events such as those that occurred in East Haven from happening in other communities experiencing similar demographic changes. First and foremost, localities should refrain from delegating their police officers with immigration enforcement powers. As the case of East Haven demonstrates, local immigration enforcement can jeopardize relations of trust between police and immigrant communities.<sup>340</sup> Immigration enforcement also carries the inherent risk that it could potentially urge officers to avert their attention to people who "look Mexican" or are heard to speak a foreign language.<sup>341</sup>

However, for those localities and departments that do decide to participate in enforcing this country's immigration laws, it is critical that they be provided with guidance concerning how to enforce immigration laws in a manner contingent with our Constitution. In addition to being provided with guidance, it is of utmost importance that

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<sup>340</sup> Lewis, P. G., Decker, S. H., Provine, D. M., & Varsanyi, M. W. (2013). Empowering local police to enforce US immigration policy has led to a patchwork of inconsistent measures. *LSE American Politics and Policy*.

<sup>341</sup> Ibid.

they are provided with equipment that would safeguard their enforcing this nation's immigration laws in said manner. Such equipment includes: body worn cameras, a Language Assistance Plan, and an Early Intervention System. As previously provided in chapter three, the East Haven Police Department has found these programs to be incredibly successful in terms of improving relations with the non-English speaking members of the community and inhibiting their respective officers from engaging in unconstitutional policing practices. Lastly, there needs to be more accountability and transparency with respect to police departments' operations. To make police departments more accountable and transparent, some sort of civilian oversight mechanism should be implemented in each department. This would not only provide another "check" system to curtail incidences of abuse, but could also improve relations between the police and communities they serve by opening another avenue of communication.



## Appendix A

Full Interview Guide:

Informants were all asked the same set of opening questions:

- 1) To start with, I'm interested to hear about your story. What brought you to East Haven?
  - For police department personnel: What brought you to the East Haven Police Department?
- 2) How would you describe East Haven to an outsider?
- 3) What would you say are the biggest changes the Town has undergone in recent years?
  - *If bring up growth of Latino population*—How are the relations between the Latino residents and other East Haven residents?

The following questions asked were then tailored to the specifics of the interviewee and his or her relation to the events that transpired.

### **Police Department personnel were asked:**

- 1) When did you first learn about the issues between the East Haven Police Department and the Latino residents?
- 2) Tell us about your involvement in the suit and settlement.
- 3) Thinking back five years, how would you describe the process in which the new policies were created?
- 4) What else can the EHPD do to improve relations with Latinos?
- 5) Why do you think these incidences transpired?

- 6) How effective do you anticipate the new policy will be? Have you seen any progress thus far?
- 7) Have you noticed an increase in calls from Latino residents?
- 8) If there was anything you could change about Policy 428.2, what would you want to change?
- 9) Is there anything else you think we should know? Is there anyone else who you think we should speak to?

**Plaintiff(s) involved in the suit against the East Haven Police Department were asked:**

- 1) When did you first learn about the issues between the East Haven Police Department and the Latino residents?
- 2) Could you explain what happened that led you to file suit?
- 3) When did you first note a pattern of discriminatory policing?
- 4) How did you feel about the outcome of the suit and the settlement?
- 5) How would you describe the Latino citizen's relations with EHPD today?
- 6) Have you experienced the effects of the new policies?
- 7) What else could EHPD do to increase trust with Latinos?
- 8) Why do you think these incidences happened in East Haven?
- 9) Is there anything else you think we should know? Is there anyone else who you think we should speak to?

**“Persons-on-the street” were asked:**

- 1) What would you say are the biggest changes East Haven has experienced in the last decade?

- We've heard there's been an increase in Latino/immigrant population—  
how are local relations surrounding that?
- 2) How have attitudes towards Latinos changed since the adoption of the new policies?
  - 3) Are you aware of the town's new immigration policing policy?
    - How have things been going since the implementation?

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