



U.S. Department of Justice

Civil Rights Division

JCP:LES:AA:CLP:ALG:NO
DJ 207-14-6

*Special Litigation Section - PHB
950 Pennsylvania Ave, NW
Washington DC 20530*

April 15, 2010

VIA ELECTRONIC AND FIRST-CLASS MAIL

Patricia A. Cofrancesco, Esq.
Town Attorney
Town of East Haven
89 Kimberly Avenue
East Haven, CT 06512

Re: Investigation of the East Haven Police Department

Dear Ms. Cofrancesco:

We write to provide you with a brief summary of the issues and concerns we raised regarding the East Haven Police Department (“EHPD”) during our exit conference on April 9, 2010. As you know, the Civil Rights Division is conducting an investigation of EHPD to determine whether officers are engaging in a pattern or practice of discriminatory policing, unconstitutional searches and seizures, and use of excessive force, pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, and the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d.

As an initial matter, we wish to express our appreciation to the Mayor and Town staff for their cooperation and hospitality during our tour. In particular, we would like to thank you and all of EHPD officers and staff who facilitated our on-site review, including Chief Leonard Gallo, Inspector Gaetano Nappi, shift supervisors, rank-and-file officers, and support staff. We would also like to thank the members of the Police Commission who participated in our meetings and the staff in EHPD’s Record Room for their hard work coordinating EHPD’s production of documents. We recognize that EHPD is charged with significant law enforcement responsibilities and that our visits require officers and staff to share their time and resources. In this regard, we would like to thank all of the dedicated men and women of EHPD who took the time to meet with us.

Consistent with our pledge to conduct our investigation as transparently as possible based on the Town’s cooperation, we met with Chief Gallo, members of the Mayor’s Office, and members of the Police Commission on April 9th at the conclusion of our tour to share our consultants’ initial impressions and observations. The purpose of our exit conference was to

assist EHPD in identifying policies, practices, and processes at the outset that may warrant further focused review or corrective action by EHPD.

As we noted during our exit conference, our investigation remains ongoing and we have not reached any conclusions on the existence of a pattern or practice of unconstitutional or unlawful conduct by EHPD officers. Important aspects of our fact gathering process have yet to be completed, most notably reviewing incident reports, internal investigation files, arrest reports, and traffic stop data. We also plan to conduct additional interviews and tours, accompanied by our police practices consultants. At this early juncture, we have identified several issues and areas of concern that warrant further attention based on our consultants' preliminary observations. These areas are:

- **Outdated policies and procedures:** Based on our preliminary review, a significant number of EHPD's policies are outdated and not consistent with contemporary legal standards and police practices. EHPD also lacks updated rules of conduct, which set forth specific prohibitions on officer actions and the affirmative requirements that officers must follow. We commend the efforts of the current Police Commission and Inspector Nappi in their efforts to begin reviewing and revising outdated or obsolete policies and procedures.
- **Insufficient guidance on the application of force:** EHPD lacks clear policies and other written guidance on the application of force by its officers. For instance, EHPD lacks a comprehensive policy that incorporates all force implements that are available to officers and that delineates the factors that should be considered in determining appropriate levels of force.
- **Lack of formal requirements for reporting and reviewing use of force:** We are concerned that EHPD may not require its officers to thoroughly report all uses of force to provide for adequate supervisory review. In addition, it does not appear that EHPD conducts comprehensive administrative reviews of critical incidents, such as firearm discharges by officers, to identify necessary corrective action, both disciplinary and non-disciplinary, to prevent or minimize future adverse events.
- **Inadequate citizen complaint and internal investigation processes:** EHPD's policies and practices may not provide for the effective resolution of citizen complaints and internal investigations. For instance, we are concerned that: (1) EHPD's citizen complaint process, including complaint forms, are not readily accessible to the public, including individuals with limited English proficiency; (2) there are no objective guidelines concerning the initiation of thorough and timely internal investigations; (3) requiring notarized statements and limited forms of identification may discourage individuals from reporting police misconduct; and (4) current procedures may not require that investigators issue findings and recommendations in all internal investigations.
- **Lack of an early identification or warning system:** EHPD does not appear to have a uniform and integrated system that allows supervisors to proactively detect potential patterns of at-risk conduct by officers.

- **Fragmented community engagement:** We are concerned that EHPD may not be fully engaging all of the communities it serves on policing priorities and collaborative approaches to law enforcement, which may contribute to allegations of disparate treatment. EHPD has also not developed any formal or written guidance on requesting language assistance, initiating immigration status inquiries, or requiring identification from individuals, which may impede the full participation of members of the East Haven community in EHPD’s policing efforts. As we discussed during our exit conference, the lack of formal written policies – and internal mechanisms to ensure adherence to such policies – allows for informal practices to develop among officers and within units that may be inconsistent with agency expectations.
- **Limited training:** We are concerned that EHPD may be offering limited re-training to existing officers, which could impair EHPD’s ability to provide up-to-date guidance on issues related to use of force, searches and seizures, and equal protection.

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We hope that the foregoing summary of our consultants’ preliminary impressions is useful to future reform efforts. We look forward to your continued cooperation in furtherance of our mutual goals of ensuring lawful and effective policing in East Haven. We will be contacting you shortly to discuss the next steps of our investigation. Should you have any questions or concerns, you may contact me at (202) 514-6255, Acting Deputy Chief Luis Saucedo at (202) 353-0299, Attorney Amin Aminfar at (202) 307-0652, or Attorney Catherine Pugh at (202) 305-4074.

Sincerely,

s/Judy C. Preston

Judy C. Preston
Acting Chief
Special Litigation Section

cc: John Hughes, Civil Chief
United States Attorney’s Office
District of Connecticut