

**PATTERN AND PRACTICE:
Preliminary Findings on Race, Record-Keeping, and
Selective Enforcement
Within the East Haven Police Department**

Law Student Interns:

Sophie Hood
Valarie Kaur
Tafari Lumumba
Dermot Lynch
Lindsay Nash

Supervising Attorney:

Michael Wishnie

The Jerome N. Frank Legal Services Organization
Yale Law School
P.O. Box 209090
New Haven, CT 06520-9090

Introduction

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. A review of EHPD traffic enforcement records over an eight-month period reveals two troubling trends that corroborate allegations of racial profiling. First, the data shows a disproportionate rate of enforcement against Hispanics. Second, police officers overwhelmingly reported Hispanic individuals as “white,” thus tainting EHPD data on racial profiling.

Methodology

St. Rose of Lima Church and Apostle Immigrant Services requested all traffic tickets issued by the EHPD on Main Street and Route 80 for the period from June 1, 2008 to February 28, 2009. This report is based on the data from the traffic tickets. This data was compiled and sorted to isolate certain law enforcement practices and different characteristics, including race of the person to whom the ticket was issued. Statisticians at the Statlab Unit at the Yale University Social Science Research Services assisted in the preparation of the data. The names of the people to whom tickets were issued were cross-checked against authoritative lists of “Hispanic names.”¹ After identifying ticket recipients with Hispanic names within the total 376 tickets issued, this new list was then cross-checked against the police officer’s report of race as indicated on the ticket itself.

Findings:

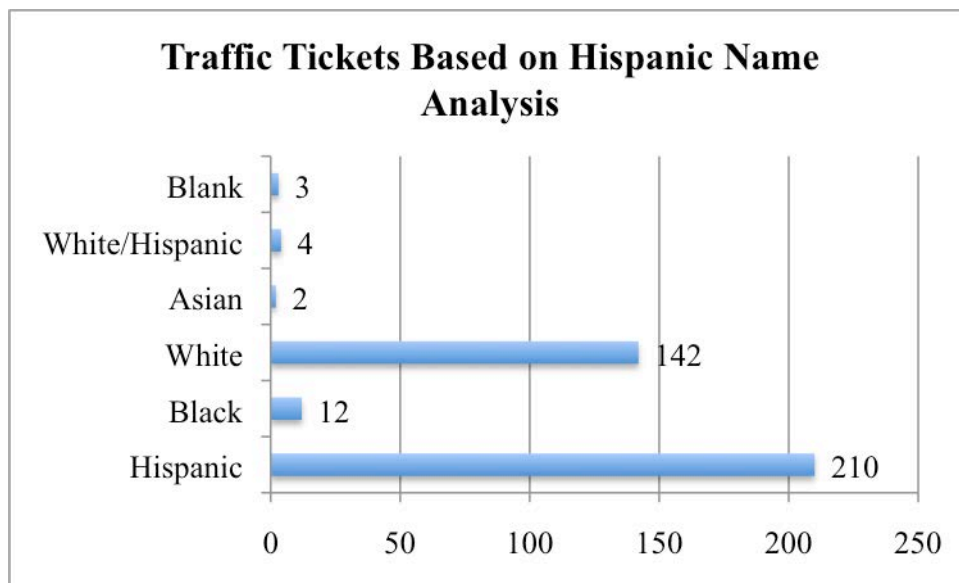
1. EHPD disproportionately issued traffic tickets to Hispanic persons.

Out of 376² tickets issued on Route 80 and Main Street between June 1, 2008 and February 28, 2009, 210 tickets were issued to drivers with Hispanic names, suggesting that

¹ Hispanic name classification was a two-step process. First, surnames were compared with a comprehensive list of Hispanic names, as developed by the U.S. Census. *See* THE FLORIDA CANCER DATA SYSTEM, THE FLORIDA DEPARTMENT OF HEALTH, DATA ACQUISITION MANUAL, Appendix E: Census List of Spanish Surnames (2009), *available at* <http://fcds.med.miami.edu/downloads/dam2008/26%20Appendix%20E%20Census%20List%20of%20Spanish%20Surnames.pdf>. Second, those names that were not in the U.S. Census list were checked against two authoritative sources of Hispanic names: RICHARD D. WOODS, *HISPANIC FIRST NAMES: A COMPREHENSIVE DICTIONARY OF 250 YEARS OF MEXICAN-AMERICAN USAGE* (Westport, CT: Greenwood, 1984); HOLLY INGRAHAM, *PEOPLE’S NAMES: A CROSS-CULTURAL REFERENCE GUIDE TO THE PROPER USE OF OVER 40,000 PERSONAL AND FAMILIAL NAMES IN OVER 100 COUNTRIES* (Jefferson, NC: McFarland & Co., 1997). If a name, or a spelling variation within two letters of said name, was on one of those lists, the name was classified as Hispanic. Middle names were checked against lists of both first and family names.

² Three tickets were excluded from this analysis as they were illegible. Thus the total universe of tickets in this analysis is 373.

56.3% of tickets were issued to Hispanic drivers. The Hispanic population in East Haven is just 5.8% of all East Haven residents.³ Although a number of factors may account for some variation between the racial and ethnic percentages of drivers stopped and the racial and ethnic percentages of the town,⁴ this difference has been considered reasonable when in the 5-10% range.⁵ The limited nature of data on the ticket form makes it impossible, for the purposes of this report, to explain conclusively this disparity; even so, the incongruity in the two percentages suggests cause for concern and a need for closer scrutiny of the decision-making that leads EHPD to initiate enforcement actions.



Preliminary comparison with data on “Click It or Ticket” traffic stops suggests that the pattern of discriminatory enforcement dissipates when the EHPD is operating under state and/or federal guidelines. “Click It or Ticket” is a national program that uses police enforcement and public relations to encourage seatbelt use.⁶ State and municipal law enforcement authorities receive grants to run “Click It or Ticket” checkpoints.⁷ Although the EHPD has not confirmed this practice,⁸ when these checkpoints are run in other states, the sole purpose of the checkpoint is to ascertain if the occupants of the vehicle are wearing seat belts and if they have correctly secured small children in car seats.⁹ Of the tickets designated as “Click it or Ticket” enforcements from within the present data set, the EHPD stopped 5 drivers with Hispanic names

³ See Town of East Haven, CT, <http://www.townofeasthavenct.org/pdf/reports/cerc-profile-easthaven2009.pdf> (In 2008, the total population of East Haven was 29,527 and the Hispanic population of East Haven was 1,700 in 2008).

⁴ DIVISION OF CRIMINAL JUSTICE OFFICE OF THE CHIEF STATE’S ATTORNEY, STATE OF CONNECTICUT, INTERIM REPORT OF TRAFFIC STOPS STATISTICS: JANUARY 2000 TO JUNE 2000, at 6-7 (Jan. 2001), available at http://web.wtnh.com/Report_Narrative.pdf [hereinafter INTERIM REPORT OF TRAFFIC STOPS STATISTICS].

⁵ *Id.*

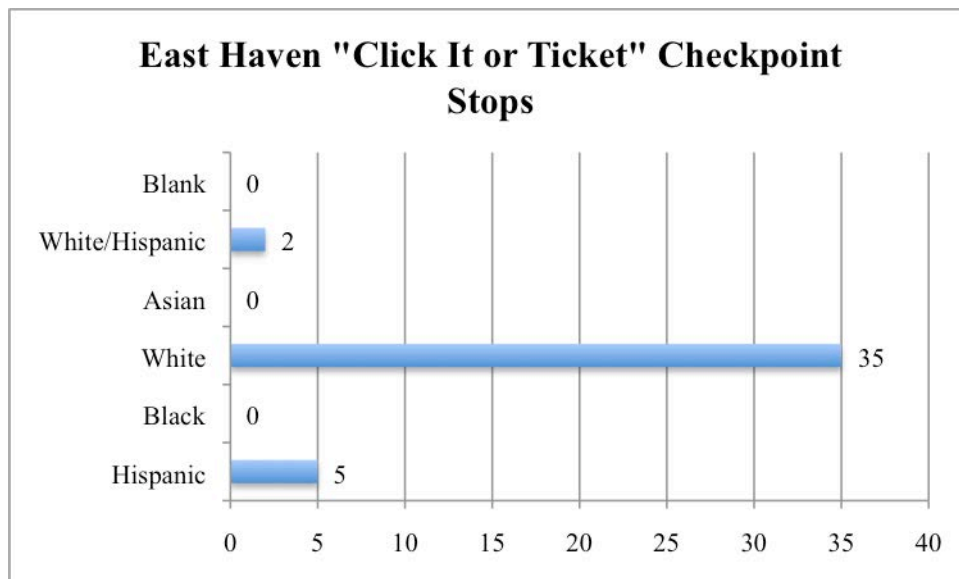
⁶ NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, NIGHTTIME ENFORCEMENT OF SEAT BELT LAWS: AN EVALUATION OF THREE COMMUNITY PROGRAMS, <http://trafficsafetymarketing.gov/ciot/planner10/PEAK/evaluation-report.pdf>.

⁷ *Id.*

⁸ St. Rose of Lima Church and Apostle Immigrant Services have requested further data on the EHPD’s “Click it or Ticket” policies and practices. FOIA Request of Mar. 11, 2010 (on file with authors).

⁹ See Government Highway Safety Administration, Click It or Ticket Mobilization, <http://www.ghsa.org/html/projects/CIOT/08.html>.

and 35 Caucasians. This preliminary finding suggests that, when officers have proper guidelines, they act in a less discriminatory manner.



2. East Haven Police mischaracterized the race of individuals they ticketed.

Connecticut law requires East Haven Police officers to report the race and ethnicity of the people they ticket and/or arrest;¹⁰ however, the EHPD has never fulfilled this duty. The Connecticut legislature first imposed reporting requirements in 2000 in order to combat racial profiling and pretextual traffic stops.¹¹ Police departments are required by state law to submit reports to the Chief State's Attorney who, in turn, must provide a report to the Governor and General Assembly to ensure that 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."¹² Although the EHPD issued an order regarding compliance with state requirements on traffic stop statistics in 2000,¹³ the present analysis suggests that the order was not followed with respect to race and ethnicity. Moreover, the EHPD did not update the 2000 order on traffic stop statistics for nearly ten years, until after 2009 Freedom of

¹⁰ 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> ("Police officers ... must collect ... the nature of the violation that led to the traffic stop, the driver's race and ethnicity, and whether any citation was issued or arrest made. ").

¹¹ See *id.*, at 2 ("Racial profiling, as applied in this report, describes the disproportionate targeting of minority drivers for pretextual traffic stops. These pretextual stops offer law enforcement the opportunity to stop, detain, and possibly search any driver the police officer believes may be involved in other criminal activity such as drug trafficking.").

¹² See INTERIM REPORT OF TRAFFIC STOPS STATISTICS, *supra* note 3, at 24.

¹³ See East Haven Police Department, General Order 2000-1, Order to comply with Connecticut Public Act 99-198: An act concerning traffic stop statistics (on file with authors).

Information Commission requests by St. Rose of Lima Church and Apostle Immigrant Services.¹⁴

The data analyzed in this report suggests that East Haven officers failed to correctly identify the race of vast majority of individuals to whom they issued traffic tickets. As a matter of practice, it appears that East Haven Police Officers combine race and ethnicity and describe people as “black,” “white,” or “Hispanic.”¹⁵ Unless EHPD improves their data collection practices, any future reports to comply with the state legal requirements will not accurately reflect the reality of their policing practices.

When issuing a ticket, East Haven police officers specify the race of the person to whom they are issuing the ticket by checking a box on the ticket form.¹⁶ On both the ticket form and the subsequently-created Case/Incident form, there is a pre-printed box for race, in which officers normally write “B” for “black” and “W” for “white,” or “H” for Hispanic.¹⁷

In the tickets examined for this report, 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. Out of 376 tickets issued,¹⁸ the ticket-writers listed 18 people as Hispanic and 4 people as white/Hispanic.¹⁹ 329 ticket recipients were identified as white.²⁰ Thus, the EHPD recorded that, at most, 22 of 373 tickets were issued to Hispanic drivers. However, using the Hispanic name classification list yields a far different ratio; it reveals that 210 of the ticket recipients are Hispanic.²¹ Thus, the EHPD reports that only 4.8% of these tickets were issued to Hispanic drivers, though the analysis using Hispanic names suggests that in fact 56.3% of tickets were issued to Hispanic drivers. This troubling disparity suggests that, even if East Haven had filed the required reports about the race of those they ticketed, the data would not have been accurate. It is critical that this deficiency be addressed so that future reports serve the purpose underlying the reporting requirements - revealing enforcement practices that disproportionately target minorities.²²

¹⁴ See East Haven Police Department, General Order 2009-2, Traffic Stops & Statistics, Compliance CGS 54-1L, 54-1M, Reporting Racial Profile Prohibited (on file with authors); East Haven Police Department, Policy #2009-18, Policy and/or Procedure Regarding the Collection of Traffic Stop Statistics and to Protect the Rights and Privileges of All Citizens Guaranteed Under the Color or Law (on file with authors).

¹⁵ See EHPD Response to FOIA Request of Feb. 9, 2009 (on file with authors) [hereinafter “EHPD Response”].

¹⁶ See EHPD Response, *supra* note 15.

¹⁷ *Id.* The reporting requirements set forth in Connecticut law specify that both race and ethnicity must be reported. Conn. Gen. Stat. § 54-1m. The interim report prepared by the State Attorney’s Office treats race and ethnicity (including whether a person is Hispanic) as two inquiries, such that officers would document both, separately, on the reporting forms provided by this act. INTERIM REPORT OF TRAFFIC STOPS STATISTICS, *supra* note 3. In practice, the EHPD appears to combine these two inquiries as one, documenting all of this information in a single box designated as “race.” See EHPD Response, *supra* note 15.

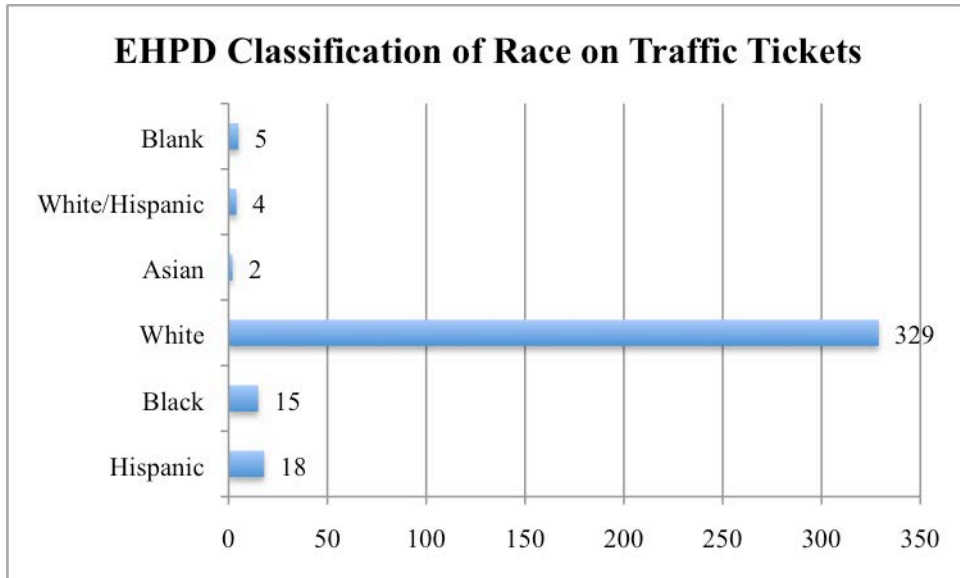
¹⁸ See EHPD Response, *supra* note 15.

¹⁹ See EHPD Response, *supra* note 15.

²⁰ As classified by the EHPD, fifteen tickets were issued to African Americans and two to Asian Americans. Five tickets were left blank with respect to race.

²¹ See EHPD Traffic Stop Name Analysis (on file with authors).

²² See *supra* note 4, Conn. Pub. Act 99-198 (June 28, 2000) (“An Act Concerning Traffic Stop Statistics”).



Conclusion

Information derived from traffic tickets issued on Main Street and Route 80 from June 1, 2008 to February 28, 2009 substantiates concerns that the East Haven community has raised—with increasing alarm—about racial profiling by the EHPD. The vastly disproportionate rate of enforcement against Hispanic individuals supports Latino residents’ allegations of discriminatory enforcement. Moreover, this disproportionate rate provides indirect support for allegations of race-based verbal and physical attack. Finally, it should be noted that EHPD officers failed to accurately record of race of Hispanic individuals. This 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. Ultimately, this data underscores the need for careful monitoring of EHPD traffic enforcement as well as the police department’s recording and reporting of data related to racial profiling.