

FILED

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U. S. DISTRICT COURT
NEW HAVEN, CONN.

IN THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT

MARIA CINTRON :
 GLENDA L. COPEL :
 JOSE CRUZ :
 EDWARD E. GOODE :
 DAVID HUDSON :
 EDDIE McMULLEN :
 ANDRES VAZQUEZ :

Plaintiffs,

13578

-vs-

Civil Action No. _____

THOMAS VAUGHN, Chief of Police of Hartford
 ELISHA FREEDMAN, City Manager of Hartford
 ROBERT KRAUSE, Director of Personnel of Hartford
 ROBERT MERRICK, Captain in the Hartford Police Department
 NEIL SULLIVAN, Sergeant in the Hartford Police Department
 ANTHONY FASSANELLI, Officer in the Hartford Police Department
 ANTHONY TODARO, Officer in the Hartford Police Department

Defendants. :

COMPLAINT

I. JURISDICTION

The jurisdiction of this court arises under the Constitution of the United States, and in particular, under the First, Fourth, Fifth, Sixth, Thirteenth, Fourteenth, and Fifteenth Amendments thereto, and under the laws of the United States and, in particular, Title 28 U.S.C., Section 1343 and Title 42 U. S. C., Sections 1981, 1982, 1983, 1985 (2) and (3), 1986, and 1988.

II. PARTIES

A. Plaintiffs

1. The plaintiffs are all citizens of the United States, all of the (1) Spanish - American and Puerto Rican ethnic group whose members comprise a unique minority racial and ethnic group or (2) Black Race or (3) both, and all are residents of the City of Hartford, Connecticut.

2. The plaintiff, Glenda L. Copes, is the president of the Hartford Chapter of the State Conference of the National Association for the Advancement of Colored People.

3. The plaintiff, Jose Cruz, is the president of the Spanish Action Coalition.

4. The plaintiff, Edward E. Goode, is the vice president of the Hartford Chapter of the National Association for the Advancement of Colored People.

5. The plaintiff, David Hudson, is the Chairman of the Hartford branch of the Congress of Racial Equality.

6. All plaintiffs belong to one or more non-caucasian racial groups whose members have been characterized as having darker skin pigmentation than that of the Caucasian race. Specifically, they are members either of the Black Race, of the Spanish American - Puerto Rican group, or both.

B. Class Action

1. This suit is a class action brought by the plaintiffs on their own behalf and on the behalf of others similarly situated pursuant to Rules 23 (a) and 23 (b)(2) of the Federal Rules of Civil Procedure. The class represented by the plaintiffs consists of residents of the City of Hartford, Connecticut, who

are of the class comprising members of the Black or Puerto Rican - Spanish American racial groups or both. This class is so numerous that joinder of all members is impractical. There are questions of law and fact common to the class. The representative plaintiffs will fairly and adequately protect the interests of the class. The parties defendant have acted or refused to act on grounds generally applicable to plaintiffs' class. Injunctive relief is therefore appropriate with respect to the class as a whole.

C. Defendants

1. The defendants are all citizens of the United States and of the State of Connecticut.
2. The defendant, Thomas Vaughn, is Chief of Police of Hartford, Connecticut. He is sued individually, in his official capacity, and as representative of the members of the Hartford Police Department whose names are not at present known to the plaintiffs and who have carried out and threaten to carry out against the plaintiffs and members of their class an illegal pattern of conduct more fully set forth below.
3. The defendant, Elisha C. Freedman, is the City Manager of Hartford, Connecticut. He is sued individually and in his official capacity.
4. The defendant, Robert Krause, is Director of Personnel of Hartford, Connecticut. He is sued individually and in his official capacity.
5. The defendant, Robert Merrick, is a Captain in the Hartford Police Department and in charge of the Hartford Police Department Task Force. He is sued individually and in his official capacity.

6. The defendant, Neil Sullivan, is a Sergeant in the Hartford Police Department and has on occasion commanded the Hartford Police Department Task Force. He is sued individually and in his official capacity.

7. The defendant, Anthony Fassanelli, is an officer in the Hartford Police Department and a Hartford Police Department dog handler. He is sued individually and in his official capacity.

8. The defendant, Anthony Todaro, is an officer in the Hartford Police Department and a Hartford Police Department dog handler. He is sued individually and in his official capacity.

III. FIRST CAUSE OF ACTION

1. Defendants, Thomas Vaughn, Elisha C. Freedman, and Robert Krause, respectively as the Police Chief, City Manager, and Director of Personnel of the City of Hartford are responsible for the practices and policies of their employees and agents, the Hartford Police Department and all its individual members.

2. The government of the City of Hartford, Connecticut, in general, and specifically, the defendants Thomas Vaughn, the Chief of Police of Hartford, Elisha C. Freedman, the City Manager of Hartford, Robert Krause, the Director of Personnel of Hartford, Robert Merrick, a Captain in the Hartford Police Department, Neil Sullivan, a Sergeant in the Hartford Police Department, Anthony Fassanelli, an Officer in the Hartford Police Department, Anthony Tadarò, an Officer in the Hartford Police Department, and the Hartford Police Department and individual members, agents, and employees thereof whose identities are unknown to the plaintiffs at the present time, acting individually and in concert and under color of law, have subjected and are subjecting plaintiffs and members of their class to a systematic pattern of conduct consisting of violence, intimidation, and humiliation directed at plaintiffs and members of their class solely on account of race, color, alienage or ancestry, in denial of rights, privileges, and immunities guaranteed plaintiffs and members of their class by the Constitution of the United States and laws.

3. This systematic pattern of conduct consists of a large number of individual acts of violence, intimidation, and

humiliation visited upon members of plaintiffs' class solely on account of race, color, alienage or ancestry by the Hartford Police Department, its individual members and agents and employees of the defendants acting under color of law. These acts of violence, intimidation, and humiliation, while carried out under color of law have no justification or excuse in law and are instead gratuitous, illegal, improper, and unrelated to any activity in which the police may appropriately and legally engage in the course of protecting persons or property or ensuring civil order.

4. These acts include but are not limited to:

a. Committing acts having no purpose or justification other than to humiliate and degrade members of plaintiffs' class.

b. Employing deadly force against members of plaintiffs' class when said force was unnecessary.

c. Employing dogs trained to attack and maim as weapons against members of plaintiffs' class when the use of such dogs was unnecessary.

d. Employing tear gas and other injurious and incapacitating chemicals as weapons against members of plaintiffs' class when the use of such gas and chemicals was unnecessary.

e. Refusing to give members of plaintiffs' class proper protection from criminal acts perpetrated against them and refusing to arrest or report persons, including but not limited to members of the Hartford Police Department, who committed crimes against members of the plaintiffs' class.

f. Beating, intimidating, and humiliating members of plaintiffs' class without cause or excuse.

g. Habitually referring to members of plaintiffs' class with derogatory, humiliating, and obscene racial epithets and in numerous other ways refusing to accord members of plaintiffs' class the respect due citizens by officers of the law.

h. Habitually denying plaintiffs and the members of plaintiffs' class the same police protection from criminals, crime, and anticipated crime as is extended to those individuals in the Hartford community who are not members of plaintiffs' class.

i. Arresting members of plaintiffs' class for attempting to exercise their rights under the Constitution of the United States, and its laws.

5. From August 10th, 1969, to August 20th, 1969, inclusive, certain incidents took place in a portion of the City of Hartford which is overwhelmingly occupied by members of plaintiffs' class. Under cover of these incidents and not in response to them, members of the Hartford Police Department, agents and employees of defendants, acting in concert with persons unknown to plaintiffs and under color of law, did intensify the systematic pattern of conduct consisting of violence, intimidation, and humiliation directed against plaintiffs and members of their class solely on account of race, color, alienage, or ancestry.

6. From August 31st, 1969, to September 14th, 1969, inclusive, certain incidents took place in a portion of the City of

Hartford which is overwhelmingly occupied by members of plaintiffs' class. Under cover of these incidents and not in response to them, members of the Hartford Police Department, agents and employees of defendants, acting in concert with persons unknown to plaintiffs, and under color of law, did intensify the systematic pattern of conduct consisting of violence, intimidation and humiliation directed against plaintiffs and members of their class solely on account of race, color, alienage, or ancestry.

7. Defendants Thomas Vaughn, Elisha C. Freedman, and Robert Krause, acting individually or in concert, under color of law, have for many years directed or permitted and are directing or permitting, within the Hartford Police Department, a policy, pattern or practice of discrimination or segregation on account of or with respect to race, color, alienage or ancestry, in recruitment, upgrading, advancement, and assignments or in the terms, conditions, or privileges of employment.

8. Specifically, such policy, pattern or practice manifests itself in the following manner: The recruitment and conditions of employment of police officers of the Hartford Police Department are largely determined on the basis of race, color, alienage, or ancestry. How one becomes an officer, how one is treated when an officer, how one advances, how free one is to assert oneself as a police officer, are all largely determined on the basis of race, color, alienage, or ancestry.

9. Specifically, such policy, pattern or practice also manifests itself in the following manner: The social and

religious ties, personal friendships and political or economic influence of white individuals are their most important characteristics in recruitment, upgrading, advancement, assignments or in the terms, conditions, or privileges of employment for or within the Hartford Police Department; whereas the situation of the nonwhite individual is one of social, political and economic ostracism and such ostracism operates to impede black or Puerto Rican or Spanish American individuals in such recruitment, upgrading, advancement, assignments or such terms, conditions or privileges of employment.

10. The policy, pattern, or practice set forth in paragraphs 7 to 9, inclusive, of this Cause of Action has intensified, perpetuated, and insured the continuance of and is intensifying, perpetuating, and insuring the continuance of the systematic pattern of conduct alleged and set forth in paragraphs 2 to 6, inclusive, of this Cause of Action.

11. The number of black and Puerto Rican - Spanish speaking policemen within the Hartford Police Department is thoroughly inadequate. This inadequacy has further intensified, perpetuated and insured the continuance of and is further intensifying, perpetuating, and insuring the continuance of the systematic pattern of conduct alleged and set forth in paragraphs 2 to 6, inclusive, of this Cause of Action.

12. Defendants Vaughn, Freedman, and Krause, knew or should have known of such systematic pattern of conduct and its intensification, perpetuation and continuance and, having power to prevent or aid in the preventing of such systematic pattern of conduct and its intensification, perpetuation, and

continuance neglected or refused to do so and such systematic pattern of conduct and its intensification and such policy, pattern, or practice continues.

13. Despite the fact that they knew or should have known of the fact that such systematic pattern of conduct and its intensification, perpetuation, and continuance was and is being carried out by them or their agents and employees, members of the Hartford Police Department, defendants Vaughn, Freedman, and Krause have taken no step or effort whatever to order a halt to such systematic pattern of conduct, its intensification, perpetuation and continuance; to make redress to injured plaintiffs and members of their class; or to take any remedial disciplinary action whatsoever against any of their employees or agents. Further said defendants have in fact praised and commended their agents and employees, such praise and commendation having the effect of encouraging their agents and employees to continue and intensify this pattern of conduct, and have in fact taken retaliatory disciplinary action against those employees and agents of theirs who, as members of plaintiffs' class, have objected to such systematic pattern of conduct and its intensification, perpetuation and continuance.

14. Defendants know or should know of such systematic pattern of conduct, its intensification, perpetuation and continuance and are either ratifying it or, if not ratifying it, have so lost control over the conduct, practices, and policies of their employees and agents, the Hartford Police Department and its individual members, as to make effective law enforcement

impossible. Thus plaintiffs and members of their class have suffered and continue to suffer immediate and irreparable injury for which there is no adequate remedy at law.

15. The Hartford Police Department can no longer be relied on to protect the lives and property of plaintiffs and their class, and has left plaintiffs and their class without the protection and security guaranteed to them not only by the Constitution and laws of the United States, but by the Constitution and laws of the State of Connecticut and the ordinances of the City of Hartford as well. Thus plaintiffs and members of their class have suffered and will continue to suffer immediate and irreparable injury for which there is no adequate remedy at law.

IV. SECOND CAUSE OF ACTION

1. All of the allegations of the first cause of action are included and made a part of this cause of action as if repeated and fully set forth herein.

2. Said systematic pattern of conduct carried out under color of law by the agents and employees of the Hartford Police Department has intensified punishment of plaintiffs and their class for, and has deterred plaintiffs and their class from, peaceful exercise of the rights guaranteed them by the First, Fourth, Fifth, and Sixth Amendments to the Constitution of the United States.

3. This intensified punishment and deterrence has resulted and continues to result, in denying plaintiffs and their class full and equal participation in the political and social affairs of the City of Hartford and thus preventing plaintiffs and their class from achieving the equality and first class citizenship guaranteed them by the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution of the United States.

4. Said systematic pattern of conduct and its intensification, perpetuation and continuance is in violation of the due process of law guaranteed plaintiffs and members of their class by the Constitution of the United States and laws.

V. THIRD CAUSE OF ACTION

1. All of the allegations of the first and second causes of action are included and made a part of this cause of action as if repeated and fully set forth herein.

2. Said systematic pattern of conduct and its intensification, perpetuation and continuance is in violation of the equal protection of the laws guaranteed plaintiffs and members of their class by the Constitution of the United States and laws.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray:

1. That a preliminary injunction issue, enjoining and restraining the defendants, acting together and acting individually, their agents or employees, the Hartford Police Department, and all others acting in concert with them, from continuing to engage in any systematic pattern of conduct consisting of violence, intimidation and humiliation, directed against plaintiffs and members of their class, solely on account of race, color, alienage, or ancestry.

2. That a preliminary injunction issue enjoining and restraining the defendants, their agents and employees and all others acting in concert with them from continuing to attempt to deter plaintiffs and members of their class from, or continuing to punish plaintiffs and members of their class, for, exercising their rights under the First, Fourth, Fifth, Sixth, Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution of the United States.

3. That a preliminary injunction issue, enjoining and restraining defendants, their agents and employees and all others acting in concert with them from continuing to refuse to protect the legal and constitutional rights of plaintiffs and members of their class.

4. That a preliminary injunction issue, enjoining and restraining defendants, their agents and employees, and all others acting in concert with them, from continuing to

a. Commit acts having no purpose or justification

other than to humiliate and degrade members of plaintiffs' class.

b. Employ deadly force against members of plaintiffs' class when said force is unnecessary.

c. Employ dogs trained to attack and maim as weapons against members of plaintiffs' class when the use of such dogs is unnecessary.

d. Employ tear gas and other injurious and incapacitating chemicals as weapons against members of plaintiffs' class when the use of such gas and chemicals is unnecessary.

e. Refuse to give members of plaintiffs' class proper protection from criminal acts perpetrated against them and refuse to arrest or report persons, including but not limited to members of the Hartford Police Department, who commit crimes against members of the plaintiffs' class.

f. Beat, intimidate, and humiliate members of plaintiffs' class without cause or excuse.

g. Refer to members of plaintiffs' class with derogatory, humiliating, and obscene racial epithets and in any way whatsoever refuse to accord members of plaintiffs' class the respect due citizens by officers of the law.

h. Deny plaintiffs and the members of plaintiffs' class the same police protection from criminals, crime, and anticipated crime as is extended to those individuals in the Hartford community who are not members of plaintiffs' class.

i. Arrest members of plaintiffs' class for attempting to exercise their rights under the Constitution of the United States, and its laws.

5. That a permanent injunction issue, enjoining and

restraining the defendants, acting together or individually, their agents or employees, the Hartford Police Department, and all others acting in concert with them from continuing to engage in a systematic pattern of conduct consisting of violence, intimidation and humiliation, directed against plaintiffs and members of their class, solely on account of race, color, alienage, or ancestry.

6. That a permanent injunction issue, enjoining and restraining the defendants, their agents or employees and all others acting in concert with them from continuing to attempt to deter plaintiffs and members of their class from, or punish plaintiffs and members of their class for, exercising their rights under the First, Fourth, Fifth, Sixth, Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution of the United States.

7. That a permanent injunction issue, enjoining and restraining defendants, their agents and employees, and all others acting in concert with them from continuing to

a. Commit acts having no purpose or justification other than to humiliate and degrade members of plaintiffs' class.

b. Employ deadly force against members of plaintiffs' class when said force is unnecessary.

c. Employ dogs trained to attack and maim as weapons against members of plaintiffs' class when the use of such dogs is unnecessary.

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when the use of such gas and chemicals is unnecessary.

e. Refuse to give members of plaintiffs' class proper protection from criminal acts perpetrated against them and refuse to arrest or report persons, including but not limited to members of the Hartford Police Department, who commit crimes against members of the plaintiffs' class.

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h. Deny plaintiffs and the members of plaintiffs' class the same police protection from criminals, crime, and anticipated crime as is extended to those individuals in the Hartford community who are not members of plaintiffs' class.

i. Arrest members of plaintiffs' class for attempting to exercise their rights under the Constitution of the United States, and its laws.

9. That, pursuant to the equity power of this Court, an order issue ordering and directing that the defendants:

a. Immediately desegregate the Hartford Police Department by integrating:

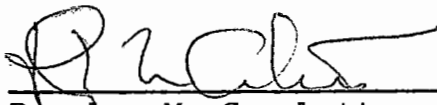
1. The Vice Squad.
2. Those policemen receiving inside relief assignments.
3. Those policemen working in the South End of Hartford.

4. The ranks of the officers in all areas of police work.
 5. Those policemen instructing training classes.
 6. The department as a whole including policewomen as well as policemen by aggressive recruiting of members of plaintiffs' class without regard to geographic residence.
 7. The department as a whole by reducing the minimum height requirement one inch to allow more of the inherently shorter Puerto Rican - Spanish Americans to qualify for recruitment.
 8. The Burglary Squad.
 9. Those policemen attending training schools.
- b. Employing members of plaintiffs' class as community relations specialists to help build mutual respect between plaintiffs' class and the police department.
- c. Provide psychological testing of department personnel and potential recruits in order to separate policemen and recruits with racial bias from the Hartford Police Department.
- d. Implement in depth a sensitivity training program to provide the entire Hartford Police Department with an understanding of and compassion towards members of plaintiffs' class.
- e. Establish a committee of policemen and citizens to review publicly complaints by citizens against policemen and make recommendations as to discipline or innocence.
10. That the Court grant such other relief as it deems appropriate.

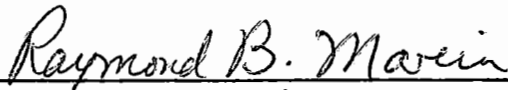
December 8, 1969

The Plaintiffs

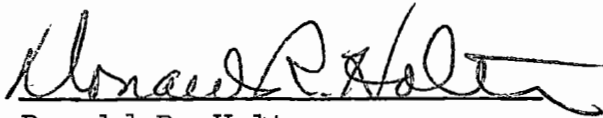
By Neighborhood Legal Services
Neighborhood Legal Services
99 Main Street
Hartford, Connecticut



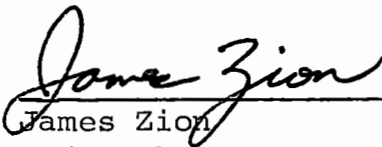
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