



URL: <http://www.aclu.org/racialjustice/racialprofiling/15842prs19991130.html>

ACLU and Coalition Groups File Suit Against CA Law Enforcement Agencies for Racial Profiling (11/30/1999)

FOR IMMEDIATE RELEASE

SAN FRANCISCO - Charging civil rights violations as a result of racially motivated traffic stops by California law enforcement officers, the American Civil Liberties Union of Northern California today filed a federal class action lawsuit against the California Highway Patrol and Bureau of Narcotics Enforcement.

The lawsuit is brought on behalf of the California Branches of the NAACP, the California League of United Latin American Citizens, and three motorists of color in U.S. District Court (San Jose).

"This lawsuit challenges the racially discriminatory practices of the CHP and BNE in their drug interdiction efforts," said Michelle Alexander, Director of the Racial Justice Project of the ACLU of Northern California. "Pursuant to Operation Pipeline, people of color are routinely stopped, searched and treated like criminals by law enforcement officers when they have done nothing more than commit a minor traffic violation or no violation at all."

"These racially biased practices cannot be justified by the hope that if officers stop and search enough people of color they will eventually find some drugs," she said. "Law enforcement based on racial stereotypes is immoral and illegal."

Today's action amends the earlier lawsuit filed on June 3, 1999, by the ACLU on behalf of Curtis Rodriguez against the CHP and the BNE charging race discrimination. The complaint has been amended to include the additional plaintiffs and class allegations.

The lawsuit charges that the CHP and the BNE violated the plaintiffs' rights secured by the Fourth, Fifth and Fourteenth Amendments, including the right to travel as protected by the Commerce Clause and the Privileges and Immunities Clauses of Article IV and the Fourteenth Amendment. In addition to seeking compensatory and punitive damages, plaintiffs seek declaratory and injunctive relief requiring defendants to desist from and remedy these illegal race-based practices.

"The time is long overdue for these racially biased police practices to come to an end," said Walter Wilson, Vice President of the California NAACP. "These practices undermine faith in the criminal justice system and cause severe harm in police-community relations."

The complaint alleges that the CHP and the BNE instruct officers to use minor traffic violations as an opportunity to interrogate motorists and search for drugs, even when there is no evidence that the motorist is engaged in criminal activity.

"Studies of racial profiling in other states have shown that, contrary to popular belief, people of color are not more likely than whites to be carrying drugs or other contraband in their vehicles" Alexander said. "Yet, officers continue to rely on racial stereotypes when deciding whom to stop, question and search in connection with minor traffic violations."

The ACLU said that this policy and practice has a grossly disparate impact on people of color, who are far more likely to be viewed as suspicious or likely drug couriers. Thousands of innocent motorists are subjected to humiliating interrogations and searches of their vehicles every year based on false racial stereotypes.

"The Latino community in California is gravely concerned about racial profiling," said Marcos Contreras,

Statewide Director of the California LULAC. "In front of our families and loved ones, we are being humiliated and interrogated for no good reason. We joined this lawsuit because these practices have got to stop."

Jon Streeter, a litigation partner at Kecker & Van Nest, concurred: "It is critical for us, as members of the private bar, to play an active role in bringing to an end race-based police stops in California." Kecker & Van Nest, a major law firm in San Francisco, is donating its services to the case pro bono.

"People of color have an equal right to travel our streets and freeways without fear of unjustified stops, searches and interrogations by government officials," Streeter said. "The defendants' drug interdiction practices violate federal civil rights laws, the U.S. Constitution, and are inconsistent with our democratic values."

The individuals the ACLU is representing:

-- Curtis Rodriguez, a Latino attorney from San Jose, was stopped and searched by the CHP on June 6, 1998, just minutes after he witnessed a slew of race-based stops of Latino drivers within a 10-mile stretch of Highway 152. The CHP officer told Mr. Rodriguez that he stopped them because his car had touched the line, and because he had turned his headlights on. (Drivers are advised to turn on their headlights in this section of Highway 152).

"The officer told me he was going to search the car for weapons," said Rodriguez. "I refused permission for the search. Since I'm an attorney, I know my rights. The officer had no probable cause to search the car, so I refused consent to search."

"Unfortunately, the officer refused to respect my legal rights. He ordered me out of the car and searched the car, without my permission. Of course, he found nothing illegal. The officer then checked out my license, my passenger's license and my insurance papers, and after ten minutes, he ordered us back into the car. Finally he told us we could go. He didn't issue me a ticket, because I didn't do anything wrong."

-- Jose Lopez, was stopped by the CHP while traveling with his companion and the mother of his son, Stephanie Gevorkian, who is white. They were stopped near the intersection of Highway 152 and Interstate 5.

The CHP officer said that he stopped them because a small crystal was hanging from their rearview window. Ms. Gevorkian immediately apologized, took the crystal down and put it in the glove compartment. Instead of ticketing Mr. Lopez or allowing the couple to go on their way, however, the officers ordered Mr. Lopez out of the car.

The couple was then interrogated separately for approximately 30 minutes. One officer repeatedly asked Ms. Gevorkian "what are you doing with that man?" According to Ms. Gevorkian, his tone was angry and accusing, and she understood him to be asking why she was with a Latino. One of the officers searched their vehicle, but the search turned up nothing. After being interrogated and subjected to a vehicle search, Mr. Lopez and Ms. Gevorkian were finally allowed to go. No citations were issued and no arrests were made.

-- MacArthur Washington, who is African American, was stopped on May 26, 1999 and searched illegally by the CHP and BNE near the intersection of Highway 152 and Interstate 5. He was on his way to pick up a co-worker and go to work.

Mr. Washington lives in an agricultural area, and has worked for about four years baling hay, a task that must be performed early in the morning. On his way to his co-worker's house, a CHP vehicle spotted him, made a U-turn and stopped him.

The officers told Mr. Washington that he had been stopped because the light illuminating his rear license plate light was broken (that was not true). The officers then searched his vehicle without his consent or probable cause. Although the search turned up nothing, and Mr. Washington had not committed any traffic violation, the officers did not allow Mr. Washington to leave. Instead, they began to administer field sobriety tests to him and subject him to continued harassment despite the fact that he was innocent of any crime.

In April, the ACLU of Northern California announced a billboard and radio ad campaign in English and Spanish to publicize its toll-free "Driving While Black or Brown" hotline, 1-877-DWB-STOP. (The Spanish Language

hotline is 1-877-PARALOS.) Since the hotline's initiation in October 1998, more than 2000 persons have called to report their stories of discriminatory traffic stops.

The national ACLU has also launched a toll free telephone number -- 1-877-6-PROFILE -- that others can use to report incidents of DWB. More information on racial profiling can be found at:
<http://www.aclu.org/PolicePractices/PolicePracticeslist.cfm?c=118>

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