

## In Landmark Racial Profiling Settlement, California Highway Patrol Agrees to Major Reforms

*Curtis V. Rodriguez, et al. v. California Highway Patrol, et al.*

**For Immediate Release: February 27, 2003**

**SAN FRANCISCO** - The California Highway Patrol (CHP) has agreed to adopt sweeping reforms – including a ban on consent searches and restrictions on drug-related pretext stops – that are intended to end the practice of racial profiling on California’s highways, the American Civil Liberties Union of Northern California announced today. The reforms could have a broad impact on law enforcement agencies throughout the state.

“We believe this important agreement is a win-win proposition for the people of this state and for law enforcement - it protects motorists from racial discrimination and, if vigorously implemented, will increase public confidence and trust in the CHP,” said Alan Schlosser, Legal Director of the ACLU of Northern California. “It goes beyond a ban on racial profiling to prohibiting specific law enforcement techniques and practices that the ACLU believes have resulted in the widespread fear that Driving While Black or Brown can be risky business in California.”

The settlement establishes the CHP as the first law enforcement agency in the nation to prohibit their officers from asking motorists for consent to search their cars or persons. The ACLU contended in its lawsuit that giving officers the discretion to seek consent when they did not have probable cause to search resulted in a disproportionate number of motorists of color being subjected to extensive searches, and was a critical component of racial profiling.

In the course of the lawsuit, it was established that Latinos were approximately three times as likely to be searched by CHP officers than whites in the Central and Coastal Divisions, and African-Americans were approximately twice as likely to be searched in those divisions. In the wake of these findings, CHP Commissioner Spike Helmick commendably ordered a moratorium on consent searches in 2001. The settlement extends this prohibition until 2006.

The settlement agreement also bans drug-related pretext stops, which means that CHP officers cannot use minor traffic violations as an excuse for stopping and searching a car for illegal drugs unless the officers have probable cause or reasonable suspicion of drug activity.

In addition, the CHP will create a new high-level position of Auditor who will focus on racial profiling and report directly to the CHP Commissioner to promote accountability and to assure the implementation of the reforms.

Jon Streeter, partner at the San Francisco law firm of Keeker & Van Nest and the lead counsel for the ACLU in this case, applauded the efforts of the CHP in reaching this landmark agreement. “CHP Commissioner Spike Helmick deserves tremendous credit for making this settlement possible. Commissioner Helmick and his top deputies convinced us that they recognized a problem and were committed to making significant changes to eradicate the egregious practice of racial profiling.”

Streeter added: “These guys rolled up their sleeves and sat down with us to discuss meaningful solutions. That took guts and integrity. Implementing the settlement will require careful attention and monitoring as we move forward, and the CHP’s leadership has shown a willingness to do just that.”

The settlement ends a lawsuit filed on June 3, 1999 on behalf of three victims of racial profiling and a class of African American and Latino motorists who have been or will be stopped, detained, interrogated, and/or searched by CHP officers within the Coastal and Central CHP Divisions.

The lawsuit sought to end law enforcement practices and training, associated with the so-called “war on drugs” that allowed and even encouraged stereotyping of Latino and African American motorists as potential drug dealers and criminals, and resulted in a disproportionate number of black and brown motorists being subjected to prolonged detentions and intrusive and humiliating searches.

The settlement, which will effect CHP policies and practices statewide, was filed today in U.S. District Court (San Jose) and includes the following:

- A prohibition against CHP officers engaging in racial profiling and racial discrimination of any kind;  
• A ban on consent searches through 2006;
- Comprehensive data collection for each stop including race, the reason for the stop, whether a search was conducted and the legal basis for the search, and the result of the stop and search;
- Creation of an Auditor position to help implement the Settlement and who will report directly to the CHP Commissioner. The Auditor’s duties will include reviewing and analyzing data collected by its’ officers; evaluating citizens’ complaints; and providing appropriate input for training regarding data collection to CHP officers and supervisors; and
- Creation of a category of citizens’ complaints specifically covering racial profiling.

“Today’s settlement marks a turning point in the fight against racial profiling in California,” said Curtis Rodriguez, a plaintiff in the case. “This settlement is important because it will make our highways safer for everyone; Latino and African American motorists will no longer have to live in fear of being stopped and searched simply because of the color of their skin.”

Mr. Rodriguez, a Latino attorney from San Jose, was illegally stopped and searched by the CHP on June 6, 1998, just minutes after he witnessed a

number of CHP stops of Latino drivers within a 10-mile stretch of Highway 152, an area commonly known as Pacheco Pass.

"The CHP is the state's leading law enforcement agency and the reforms agreed to by the CHP should serve as model policy for local police departments throughout the state," said Mark Schlosberg, Police Practices Policy Director of the ACLU of Northern California. "Already data collected locally – even by police departments in diverse and progressive cities such as San Francisco and Sacramento – demonstrates large disparities in the rates at which African American and Latino motorists are stopped and searched. Local police departments should address these disparities by adopting policies like those in this Settlement, including the prohibition on consent searches and limits on pretext stops."

In full settlement of plaintiff's claims and for attorney's fees and costs, the CHP will pay \$875,000.

[send to a friend](#) [print](#)