

# DPS settles suit on race profiling

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The Arizona Department of Public Safety will collect extensive data on traffic stops and install video equipment on its cruisers as the result of a tentative settlement reached Wednesday in a 4-year-old class-action suit in federal court.

The suit alleged some DPS officers in northern Arizona used racial profiling to pull over a disproportionate number of Black and Hispanic motorists.

"We're adamant that our officers were not racial-profiling," Assistant DPS Director Rod Covey said.

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But now that the department will be collecting the data, it will help supervisors spot patterns and identify rogue officers who target minorities, Covey said.

"Even though they're not admitting that racial profiling was happening," said Lee Phillips, lead attorney in the case, "they're agreeing to work with us to identify if it's a problem, how bad a problem it is, which officers are involved, and what to do about that problem."

The settlement will require, among other things, that the DPS:

- Affirm its intolerance of racial profiling and review disciplinary policies regarding officers who commit it.
- Collect extensive data on traffic stops, including the race and gender of the drivers stopped and the reasons for stopping them.
- Install video equipment in patrol vehicles to record traffic stops.
- Create a citizens advisory board for people who think they may be victims of racial profiling.

"It's a very comprehensive settlement," said Eleanor Eisenberg, director of the Arizona Civil Liberties Union, which was party to the suit.

The settlement arose out of several drug cases that began with traffic stops.

Phillips, a criminal attorney in Flagstaff, represented several African-American and Hispanic motorists who had been pulled over on Interstate 40 in northern Arizona and on Interstate 17 in Yavapai County and were arrested after DPS officers found drugs in their vehicles.

Phillips filed a class-action suit on behalf of 11 of those motorists in 2001 in U.S. District Court in Phoenix, accusing the DPS of stopping them because of their race and asking for relief for any minority drivers who believed they had been stopped because of racial profiling.

But the DPS failed to, or was unable to, turn over all its records on traffic stops because the documents had been lost or destroyed.

The case was dismissed in 2003, with the stipulation that it could be refiled.

Phillips appealed, arguing that the court should have ruled in his favor because the DPS had destroyed the records needed to prove or disprove the case. And he began preparing to refile the suit.

The 9th U.S. Circuit Court of Appeals offered mediation, which led to the proposed settlement.

Phillips and co-counsel were awarded nearly \$140,000 in attorneys fees, to be paid by the state. And although the 11 plaintiffs will not collect damages, other motorists who feel they were unjustly stopped will be able to make claims.

The DPS did not admit any wrongdoing, but Covey did admit that the department would probably not have invested in the data-collection equipment needed to process the traffic-stop without the suit.

"We really believe that will be the tool we need to monitor the field out there with our officers," he said.

Phillips called the settlement "historic."

"It's important because both sides have agreed to work together to stop racial profiling rather than continue to fight for the next 10 years in court over whether there's even a problem."

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