

Black CHP Officer Sues White Cops for Racial Profiling

Pleasant Hill police allegedly ignored Highway Patrol ID

HENRY K LEE / SF Chronicle 17nov04

A black California Highway Patrol officer says two white police officers held him and his partner at gunpoint as they served a warrant at a video store in Pleasant Hill, according to a civil-rights lawsuit filed in federal court Tuesday.



The plainclothes CHP officers repeatedly pointed to their badges and identification during the incident last December, but the police ignored them, ordered them to the ground and removed their guns and other gear, the suit said.

When CHP Officer Sam Morgan, who is African American, asked the police officers to show some professional courtesy, Pleasant Hill police Cpl. Steve Dexheimer replied, "This town is lily white ... you guys are two minorities ... what do you expect us to do?" according to the suit.

"I think this case just shows that racial profiling so infects our society that even a police officer is at risk," Morgan's attorney, Michael Haddad of Oakland, said Tuesday. "Even though they had badges hanging from their necks, an assumption was made that they couldn't possibly be police officers."

Haddad would not allow Morgan, a law-enforcement officer for 22 years with a "very clean record," to be interviewed for this story.

The lawsuit, filed in U.S. District Court in Oakland, has cast a rare spotlight on the normally tranquil Contra Costa County city of 33,000 and its 44-member police force.

About 80 percent of the city is white, while less than 2 percent is black, city figures show. There are no African Americans on the police force, officials said.

Pleasant Hill City Attorney Debra Margolis declined comment Tuesday, as did Capt. John Moore, serving as acting chief this week in Police Chief David Livingston's absence.

Harry Stern, an attorney whose firm represents the Pleasant Hill Police Officers Association, said the officers had acted appropriately and had been responding as they were trained to what might have been construed as an armed robbery.

At 5:45 p.m. on Dec. 19, 2003, Morgan, 44, and his partner, a 7-year veteran whose name is not identified in the complaint, went to Einstein Entertainment, a video store on Oak Park Boulevard, to serve a tax warrant.

The two CHP officers spoke to the manager of the store, who decided to close at that time, before searching for money and checks, the suit said.

As the officers counted and recorded the money, someone called the store, and an employee said something to the effect of, "They're very professional ... their IDs and badges look real ... they're here counting the money now," the suit said.

The manager and employee left the store. Dexheimer and Officer Drew Sanchez then entered with their guns drawn, aiming at the two CHP officers, the suit said.

Morgan's partner told the Pleasant Hill officers "that they were cops and pointed one of his fingers toward his badge," the suit said

But the officers "continued to ignore the evidence that plaintiff and his partner were police officers" and handcuffed the CHP officers, who were then stripped of their weapons, ammunition magazines, batons, handcuffs, CHP cards and driver's licenses, the suit said.

Morgan was twice searched at gunpoint while lying face down on the floor, the suit said.

Dexheimer and Sanchez did not return calls for comment Tuesday. Stern, the attorney representing the Pleasant Hill police union, said the officers had been "acting in complete accord with common sense and officer safety."

Stern cited the 1998 ambush slaying of Alameda County sheriff's Deputy John Monego, 33, during a botched robbery at a Dublin steak house.

"It potentially could be the exact kind of situation for officers.," Stern said "They go on a call that sounds like an armed robbery in progress."

Ray Boyda, the owner of the Pleasant Hill video store, said Tuesday, "Since this occurred on a Friday night, the store was quite busy, and since the front of the store is all glass windows, I can see how someone could get the impression that the store was being robbed. After all, the officers were removing money that was in plain sight for everyone to see."

Morgan was a state police officer before the agency was unified with the CHP in 1995. He is assigned to the CHP's Oakland office. The CHP is under contract to the state Franchise Tax Board to serve tax warrants, CHP spokesman Tom Marshall said.

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