

SENATE BILL REPORT

SB 5853

As Reported By Senate Committee On:
Judiciary, February 27, 2001

Title: An act relating to traffic-stop racial profiling.

Brief Description: Monitoring traffic-stop racial profiling.

Sponsors: Senators Franklin and Kline.

Brief History:

Committee Activity: Judiciary: 2/20/01, 2/27/01 [DPS].
Ways & Means: 3/8/01.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5853 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Roach.

Staff: Dick Armstrong (786-7460)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Bryon Moore (786-7726)

Background: Racial profiling is the illegal use of race or ethnicity as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or the state Constitution.

There has been concern that some law enforcement officers in this state engage, or have engaged, in racial profiling. The Washington State Patrol (WSP) recently completed a study on routine traffic stops. An analysis of the data appears to indicate that the WSP does not engage in racial profiling. However, the data also showed that there are differences for white persons and non-white persons regarding enforcement action and related searches that require more thorough analysis by WSP to account for the differences.

While some local law enforcement agencies have collected data on traffic stops, there has not been a comprehensive study by local law enforcement agencies to determine if racial profiling is occurring in some cities or counties.

Summary of Substitute Bill: Beginning July 1, 2002, all law enforcement agencies in the state must provide an annual report to the Criminal Justice Training Commission on:

- number of persons stopped for routine traffic enforcement;
- identifying characteristics of the individual, including race, age, and gender;
- nature of the alleged traffic violation;
- whether a search was conducted, the legal basis for the search, whether a canine unit was called, and whether there was probable cause or reasonable suspicion to suspect a crime or violation of law; and
- whether an arrest was made or written citation issued.

The Criminal Justice Training Commission is to compile the information in a manner that assists police, prosecutors and the Legislature, as well as crime and delinquency prevention efforts.

The information gathered may not reveal the identity of any specific individual.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: State, national and local law enforcement agencies are taking the initiative in dealing with this problem and seeking positive solutions. The bill will protect the civil liberties of all citizens by requiring either the collection of data plus instituting training and education programs. The cost of implementing these programs is a small price to correct this social problem. Such occurrences happen in both small and large communities. Seattle is collecting data and doing training programs and the city council has approved over \$200,000 to combat racial profiling. This type of program should be instituted statewide and the Legislature needs to put money behind this problem. Racial profiling creates mistrust of the police for all citizens, regardless of race or ethnicity. Racial profiling happens in all areas of life, not just in traffic situations.

There are over 300 law enforcement agencies in the state and to do this study in a valid manner will cost about \$560,000 because the data should be collected and analyzed in a universal manner. WASPIC does not condone racial profiling.

Testimony Against: None.

Testified: PRO: Senator Franklin, prime sponsor; Don Alexander, Seattle Human Rights Commission; Lyon Iglitzin, Chair, Seattle Human Rights Commission; Randy Abrams, City of Seattle; Heather Lectnor, Criminal Defense Attorneys; Gerald Sheehan, ACLU; Michael Parsons, Criminal Justice Training Commission; Tony Orange, WA State African-American Commission; Arturo Biblarz, WA State Commission of Hispanic Affairs.