
SUBSTITUTE HOUSE BILL 2018

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Ballasiotes, Veloria, Kenney, Lovick, Cooper, Reardon, Van Luven, Conway, Murray, Santos, Schual-Berke, Tokuda, McDermott and McIntire)

Read first time . Referred to Committee on .

1 AN ACT Relating to reporting on issues pertaining to racial
2 profiling; adding new sections to chapter 43.101 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
6 according to a 1999 Gallup Poll, a majority of Americans, black and
7 white, believed that police actively engage in the practice of racial
8 profiling. Eighty-one percent of those questioned said they disapprove
9 of the practice.

10 (2) In *A Resource Guide on Racial Profiling Data Collection Systems*
11 published by the United States department of justice in November 2000,
12 "racial profiling" means any police-initiated action that relies on the
13 race, ethnicity, or national origin rather than the behavior of an
14 individual or information that leads the police to a particular
15 individual who has been identified as being, or having been, engaged in
16 criminal activity. It is the intent of the legislature to make
17 information on this practice available, in a usable format, to
18 policymakers and law enforcement agencies.

1 (3) The legislature declares that racial profiling is the illegal
2 use of race or ethnicity as a factor in deciding to stop and question,
3 take enforcement action, arrest, or search a person or vehicle with or
4 without a legal basis under the United States Constitution or
5 Washington state Constitution.

6 (4) The legislature recognizes that the president of the United
7 States has issued an executive order stating that stopping or searching
8 individuals on the basis of race is not an effective law enforcement
9 policy, that it is inconsistent with democratic ideals, especially the
10 commitment to equal protection under the law for all persons, and that
11 it is neither legitimate nor defensible as a strategy for public
12 protection. The order also instructs the law enforcement agencies
13 within the departments of justice, treasury, and interior to collect
14 race, ethnicity, and gender data on the people they stop or arrest.

15 (5) The legislature finds that the Washington state patrol has been
16 in the process of collecting data on traffic stops and analyzing the
17 data to determine if the patrol has any areas in its enforcement of
18 traffic laws where minorities are being treated in a discriminatory
19 manner. The legislature further finds that the Washington association
20 of sheriffs and police chiefs has recently passed a resolution
21 condemning racial profiling and has reaffirmed local law enforcement
22 agencies' commitment to ensuring the public safety and the protection
23 of civil liberties for all persons. The association also restated its
24 goal of implementing policing procedures that are fair, equitable, and
25 constitutional.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW
27 to read as follows:

28 (1) Beginning July 1, 2002, all local law enforcement agencies in
29 this state shall provide an annual report to the Washington association
30 of sheriffs and police chiefs and the criminal justice training
31 commission, on forms provided by the commission, including the
32 following information:

33 (a) The number of individuals stopped for routine traffic
34 enforcement, whether or not a citation or warning was issued;

35 (b) Identifying characteristics of the individual stopped,
36 including the race or ethnicity, approximate age, and gender;

37 (c) The nature of the alleged traffic infraction or violation that
38 led to the stop;

1 (d) Whether a search was instituted as a result of the stop;
2 (e) The legal basis for the search, including whether consent was
3 obtained, whether a canine unit was alerted, and whether there was
4 probable cause or reasonable suspicion to suspect a crime; and
5 (f) Whether an arrest was made, or a written citation issued, as a
6 result of either the stop or the search.

7 (2) The criminal justice training commission, in cooperation with
8 affected law enforcement agencies, shall compile the information
9 required under subsection (1) of this section in a manner that is of
10 value in guiding legislative policies, assisting the persons in charge
11 of the apprehension, prosecution, and treatment of persons who are
12 suspected of breaching the law, as well as benefiting crime and
13 delinquency prevention efforts. The report shall include statistics
14 which are comparable with national uniform criminal statistics
15 published by federal bureaus or departments.

16 (3) Data acquired under this section shall not contain any
17 information that may reveal the identity of any individual who is
18 stopped.

19 (4) The information required under subsection (1) of this section
20 shall be reported to the commission with codes used to identify areas
21 of patrol within the jurisdiction of the local law enforcement agency.
22 The coding system shall be known only by the reporting local law
23 enforcement agency.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW
25 to read as follows:

26 (1) Local law enforcement agencies shall comply with the
27 recommendations of the Washington association of sheriffs and police
28 chiefs regarding racial profiling, as set forth under (a) through (f)
29 of this subsection. Local law enforcement agencies shall:

30 (a) Adopt a written policy designed to condemn and prevent racial
31 profiling;

32 (b) Review and audit their existing procedures, practices, and
33 training to ensure that they do not enable or foster the practice of
34 racial profiling;

35 (c) Continue training to address the issues related to racial
36 profiling. Officers should be trained in how to better interact with
37 persons they stop so that legitimate police actions are not
38 misperceived as racial profiling;

1 (d) Ensure that they have in place a citizen complaint review
2 process that can adequately address instances of racial profiling. The
3 process must be accessible to citizens and must be fair. Officers
4 found to be engaged in racial profiling must be held accountable
5 through the appropriate disciplinary procedures within each department;

6 (e) Work with the minority groups in their community to
7 appropriately address the issue of racial profiling; and

8 (f) Within fiscal constraints, collect demographic data on traffic
9 stops and analyze that data to ensure that racial profiling is not
10 occurring.

11 (2) The Washington association of sheriffs and police chiefs shall
12 coordinate with the criminal justice training commission to ensure that
13 issues related to racial profiling are addressed in basic law
14 enforcement training and offered in regional training for in-service
15 law enforcement officers at all levels.

16 (3) Local law enforcement agencies shall report all information
17 required under this section to the Washington association of sheriffs
18 and police chiefs.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101 RCW
20 to read as follows:

21 The Washington association of sheriffs and police chiefs, in
22 cooperation with the criminal justice training commission, shall report
23 to the legislature by December 31, 2001, and each December 31st
24 thereafter, on the progress and accomplishments of each local law
25 enforcement agency in the state in meeting the requirements and goals
26 set forth in section 3 of this act.

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