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**SENATE BILL 5852**

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**State of Washington                      57th Legislature                      2001 Regular Session**

**By Senators Franklin, Kline, Costa and Kohl-Welles**

Read first time 02/06/2001. Referred to Committee on Judiciary.

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 declares that racial  
6    profiling is the illegal use of race or ethnicity as a factor in  
7    deciding to stop and question, take enforcement action, arrest, or  
8    search a person or vehicle with or without a legal basis under the  
9    United States Constitution or Washington state Constitution.

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

1 (3) The legislature finds that the Washington state patrol has been  
2 in the process of collecting data on traffic stops and analyzing the  
3 data to determine if the patrol has any areas in its enforcement of  
4 traffic laws where minorities are being treated in a discriminatory  
5 manner. The legislature further finds that the Washington association  
6 of sheriffs and police chiefs has recently passed a resolution  
7 condemning racial profiling and has reaffirmed local law enforcement  
8 agencies' commitment to ensuring the public safety and the protection  
9 of civil liberties for all persons. The association also restated its  
10 goal of implementing policing procedures that are fair, equitable, and  
11 constitutional.

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

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

18 (a) Adopt a written policy designed to condemn and prevent racial  
19 profiling;

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

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

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

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

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

37 (2) The Washington association of sheriffs and police chiefs shall  
38 coordinate with the criminal justice training commission to ensure that

1 issues related to racial profiling are addressed in basic law  
2 enforcement training and offered in regional training for in-service  
3 law enforcement officers at all levels.

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

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

9 The Washington association of sheriffs and police chiefs, in  
10 cooperation with the criminal justice training commission, shall report  
11 to the legislature by December 31, 2001, and each December 31st  
12 thereafter, on the progress and accomplishments of each local law  
13 enforcement agency in the state in meeting the requirements and goals  
14 set forth in section 2 of this act.

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