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SENATE BILL 5853

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State of Washington

57th Legislature

2001 Regular Session

By Senators Franklin and Kline

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

1 AN ACT Relating to traffic-stop racial profiling; adding a new  
2 section to chapter 43.101 RCW; and creating a new section.

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

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

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

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

3        (1) Beginning July 1, 2002, except for traffic enforcement agencies  
4 already compiling the information required by this section, every  
5 traffic enforcement agency in this state shall provide an annual report  
6 to the criminal justice training commission, on forms provided by the  
7 commission, including the following information:

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

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

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

14           (d) Whether a search was instituted as a result of the stop;

15           (e) The legal basis for the search, including whether consent was  
16 obtained, whether a canine unit was alerted, and whether there was  
17 probable cause or reasonable suspicion to suspect a crime; and

18           (f) Whether an arrest was made, or a written citation issued, as a  
19 result of either the stop or the search.

20        (2) The criminal justice training commission, in cooperation with  
21 affected law enforcement agencies, shall compile the information  
22 required under subsection (1) of this section in a manner that is of  
23 value in guiding legislative policies, assisting the persons in charge  
24 of the apprehension, prosecution, and treatment of persons who are  
25 suspected of breaching the law, as well as benefiting crime and  
26 delinquency prevention efforts. The report shall include statistics  
27 which are comparable with national uniform criminal statistics  
28 published by federal bureaus or departments.

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

32        (4) The information required under subsection (1) of this section  
33 shall be reported to the commission with codes used to identify areas  
34 of patrol within the jurisdiction of the traffic enforcement agency.  
35 The coding system shall be known only by the reporting traffic  
36 enforcement agency.

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