

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5852

57th Legislature
2002 Regular Session

Passed by the Senate January 18, 2002
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 5, 2002
YEAS 80 NAYS 17

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5852** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5852

Passed Legislature - 2002 Regular Session

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, 2002, 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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