

HOUSE BILL REPORT

HB 1333

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to motorcycle profiling.

Brief Description: Addressing motorcycle profiling.

Sponsors: Representatives Kirby, Van De Wege, Hurst, Pearson, Appleton, Ross, Ladenburg, Kagi, Upthegrove, Blake, Green, Kenney and Condotta.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/1/11 [DP].

Brief Summary of Bill

- Requires law enforcement agencies to adopt policies and institute training to stop motorcycle profiling.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 8 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman, Kirby, Moscoso and Ross.

Staff: Yvonne Walker (786-7841).

Background:

Profiling occurs when a law enforcement officer singles out a suspect with certain characteristics because the officer believes that the class of person that exhibits the characteristics is more likely than others to commit crimes. With respect to profiling based on race, local law enforcement agencies must:

- adopt a written policy designed to condemn and prevent racial profiling;
- review and audit their existing procedures, practices, and training to ensure that they do not enable or foster racial profiling;

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- continue training to address the issues relating to racial profiling. Officers should be trained in how to better interact with persons they stop to prevent legitimate behavior from being misinterpreted as racial profiling;
- ensure that they have a citizen complaint process in place;
- work with minority groups to appropriately address racial profiling; and
- collect demographic data on traffic stops and analyze the data to ensure that racial profiling is not occurring.

The Washington Association of Sheriffs and Police Chiefs (WASPC) and the Criminal Justice Training Commission (CJTC) must ensure that issues related to racial profiling are addressed in basic law enforcement training and offered in regional training for in-service law enforcement officers.

Summary of Bill:

Local law enforcement agencies must:

- adopt a written policy designed to condemn and prevent motorcycle profiling;
- review and audit their existing procedures, practices, and training to ensure that they do not enable or foster the practice of motorcycle profiling;
- institute training to address the issues related to motorcycle profiling (including training in how to better interact with persons they stop to prevent legitimate behavior from being misinterpreted as motorcycle profiling); and
- work with motorcycle groups in their communities to appropriately address the issue of motorcycle profiling.

The WASPC and the CJTC must ensure that issues related to motorcycle profiling are addressed in basic law enforcement training and offered in regional training for in-service law enforcement officers. "Motorcycle profiling" is defined as using the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without legal basis under the United States Constitution or the Washington Constitution.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is identical to a bill that was heard and passed by the House in 2010. This motorcycle profiling bill is not only credible but necessary.

The discrimination on the grounds of the state capitol over the last couple of years has been well documented. The time is now to deal with this issue. The cost of not addressing motorcycle profiling is starting to mount. Just recently the courts awarded over a \$90,000 financial settlement to a person in Pierce County who was a victim of motorcycle discrimination and profiling.

The International Association of Directors of Law Enforcement Standards and Training manual for motorcyclists states that more and more people are buying and riding motorcycles. There is no such thing as the typical rider, no more so than to describe the typical criminal type. Violators are defined by their actions not by how they look.

(Opposed) While the issue of motorcycle profiling may occur, it is not a pervasive issue. If there are problems in particular jurisdictions then those local agencies can deal with that particular problem. Also, agencies already have policies pursuant to state constitutional law about profiling and pretextual stops.

The bill uses the same language used for racial profiling. There are historical reasons as to why the legislation on racial profiling came about. This language may not be the best fit for motorcycle profiling.

Lastly, in a time of scarce resources, there are some concerns about the impact on local law enforcement.

Persons Testifying: (In support) Representative Kirby, prime sponsor; David Devereaux, Confederation of Clubs; Donnie Landsman, A Brotherhood Against Totalitarian Enactments; and Larry Walker, Washington Road Riders Association.

(Opposed) Jo Arlow, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.