

# FINAL BILL REPORT

## ESB 5852

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Synopsis as Enacted

**Brief Description:** Reporting on issues pertaining to racial profiling.

**Sponsors:** Senators Franklin, Kline, Costa and Kohl-Welles.

**Senate Committee on Judiciary**

**House Committee on Criminal Justice & Corrections**

**Background:** Racial profiling is the illegal use of race or ethnicity as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or the state Constitution.

There has been concern that some law enforcement officers in this state engage, or have engaged, in racial profiling. The Washington State Patrol (WSP) recently completed a study on routine traffic stops. An analysis of the data appears to indicate that the WSP does not engage in racial profiling. However, the data also showed that there are differences for white persons and non-white persons regarding enforcement action and related searches that require more thorough analysis by WSP to account for the differences.

While some local law enforcement agencies have collected data on traffic stops, there has not been a comprehensive study by local law enforcement agencies to determine if racial profiling is occurring in some cities or counties. The Washington Association of Sheriffs and Police Chiefs has made several recommendations for local law enforcement agencies to ensure that policing procedures are fair, equitable, and constitutional.

**Summary:** Local law enforcement agencies are to comply with the recommendations of the Washington Association of Sheriffs and Police Chiefs regarding the issue of racial profiling. The agencies must:

- Adopt a written policy designed to condemn and prevent racial profiling.
- Review existing procedures, practices, and training to ensure that they do not enable or foster the practice of racial profiling.
- Continue training programs to prevent occurrences of racial profiling.
- Institute a citizen complaint review process to address instances of racial profiling and to provide appropriate disciplinary procedures within each department.
- Work with minority groups in their community.
- Within fiscal constraints, collect demographic data on traffic stops and analyze that data to ensure that racial profiling is not occurring.

The Criminal Justice Training Commission is to ensure that racial profiling issues are addressed in law enforcement training classes conducted by the commission.

The Washington Association of Sheriffs and Police Chiefs must report to the Legislature by December 31, 2002, and each year thereafter, on the progress and accomplishments of local law enforcement agencies in meeting the requirements and goals of the act.

**Votes on Final Passage:**

Senate	48	0
House	80	17

**Effective:** June 13, 2002