

SENATE BILL REPORT

ESB 5852

As Passed Senate, January 18, 2002

Title: An act relating to reporting on issues pertaining to racial profiling.

Brief Description: Reporting on issues pertaining to racial profiling.

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

Brief History:

Committee Activity: Judiciary: 2/20/01, 2/27/01 [DP].

Passed Senate: 3/12/01, 48-1; 1/18/02, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin and Roach.

Staff: Dick Armstrong (786-7460)

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 of Bill: 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: State, national and local law enforcement agencies are taking the initiative in dealing with this problem and seeking positive solutions. The bill will protect the civil liberties of all citizens by requiring either the collection of data plus instituting training and education programs. The cost of implementing these programs is a small price to correct this social problem. Such occurrences happen in both small and large communities. Seattle is collecting data and doing training programs and the city council has approved over \$200,000 to combat racial profiling. This type of program should be instituted statewide and the Legislature needs to put money behind this problem. Racial profiling creates mistrust of the police for all citizens, regardless of race or ethnicity. Racial profiling happens in all areas of life, not just in traffic situations.

Testimony Against: None.

Testified: PRO: Senator Franklin, prime sponsor; Don Alexander, Seattle Human Rights Commission; Lyon Iglitzin, Chair, Seattle Human Rights Commission; Randy Abrams, City of Seattle; Heather Lectnor, Criminal Defense Attorneys; Gerald Sheehan, ACLU; Michael Parsons, Criminal Justice Training Commission; Tony Orange, WA State African-American Commission; Arturo Biblarz, WA State Commission of Hispanic Affairs.