

RCW 43.101.410 Racial profiling—Policies—Training—Complaint review process—Data collection and reporting. (1) Local law enforcement agencies shall comply with the recommendations of the Washington association of sheriffs and police chiefs regarding racial profiling, as set forth under (a) through (f) of this subsection. Local law enforcement agencies shall:

(a) Adopt a written policy designed to condemn and prevent racial profiling;

(b) Review and audit their existing procedures, practices, and training to ensure that they do not enable or foster the practice of racial profiling;

(c) Continue training to address the issues related to racial profiling. Officers should be trained in how to better interact with persons they stop so that legitimate police actions are not misperceived as racial profiling;

(d) Ensure that they have in place a citizen complaint review process that can adequately address instances of racial profiling. The process must be accessible to citizens and must be fair. Officers found to be engaged in racial profiling must be held accountable through the appropriate disciplinary procedures within each department;

(e) Work with the minority groups in their community to appropriately address the issue of racial profiling; and

(f) Within fiscal constraints, collect demographic data on traffic stops and analyze that data to ensure that racial profiling is not occurring.

(2) The Washington association of sheriffs and police chiefs shall coordinate with the criminal justice training commission to 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 at all levels.

(3) Local law enforcement agencies shall report all information required under this section to the Washington association of sheriffs and police chiefs. [2002 c 14 § 2.]

Declaration—Findings—2002 c 14: "(1) The legislature declares that 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 Washington state Constitution.

(2) The legislature recognizes that the president of the United States has issued an executive order stating that stopping or searching individuals on the basis of race is not an effective law enforcement policy, that it is inconsistent with democratic ideals, especially the commitment to equal protection under the law for all persons, and that it is neither legitimate nor defensible as a strategy for public protection. The order also instructs the law enforcement agencies within the departments of justice, treasury, and interior to collect race, ethnicity, and gender data on the people they stop or arrest.

(3) The legislature finds that the Washington state patrol has been in the process of collecting data on traffic stops and analyzing the data to determine if the patrol has any areas in its enforcement of traffic laws where minorities are being treated in a discriminatory manner. The legislature further finds that the Washington association of sheriffs and police chiefs has recently passed a resolution

condemning racial profiling and has reaffirmed local law enforcement agencies' commitment to ensuring the public safety and the protection of civil liberties for all persons. The association also restated its goal of implementing policing procedures that are fair, equitable, and constitutional." [2002 c 14 § 1.]