

All Washington Representatives,

The Confederation of Clubs and ABATE of Washington State are seeking support for House Bill 2511, legislation that would condemn and prevent the widespread law enforcement practice of motorcycle profiling. Requiring law enforcement agencies to adopt a policy preventing and condemning motorcycle profiling would reinforce the State Supreme Court's rejection of discrimination and pre-textual traffic stops and reaffirm our right to privacy as outlined in Article I Section 7 of the Washington State Constitution.

Motorcycle profiling by Washington law enforcement agencies is occurring and is widespread. Profiling, according to the Washington State Legislature's current policies, occurs when law enforcement targets an individual exhibiting characteristics of a class that an officer believes more likely than others to commit a crime. The practice of targeting an individual because they are riding a motorcycle or wearing motorcycle paraphernalia is a perfect example of profiling.

In fact, motorcycle profiling is so commonplace that it has reached the steps of the Capital. During Black Thursday January 22, 2009 the Washington State Patrol indiscriminately profiled the motorcycle community on the grounds of the Washington State Capital. While members of the motorcycle rights movement were inside the Capital attempting to find sponsorship for a bill that would stop motorcycle profiling, the State Patrol was captured on video crawling through the bushes in order to record the license plate and identifying information of every motorcycle in the parking lot. When confronted the State Patrol replied that they were gathering information based on their fictitious belief that there is always a propensity for violence when motorcycle clubs are together. This is by definition profiling. There has never been a violent incident among motorcycle clubs at the Capital. The State Patrol's behavior chills political activism and demands legislative remedy.

Moreover, motorcyclists are regularly interrogated about club affiliations and organizational structure during what should be routine traffic stops. This is, by definition, profiling. Almost every member of every club in Washington State, and many who are not in clubs, have experienced this type of harassment. Indeed, the Washington Courts have confirmed, on record, that the Washington State Patrol is guilty of unlawful profiling and discrimination against motorcyclists. In 2002 the Court granted an injunction against the State Patrol's use of a training pamphlet titled **BIKER 101** finding it to be inflammatory, unlawful and discriminatory towards bikers. On November 23, 2009 the State Patrol, under oath, explicitly admitted that they profile members of motorcycle clubs and continue to use **BIKER 101** procedures. This gross violation of a Washington State Superior Court injunction proves that the pattern of motorcycle profiling continues and that the Washington State Patrol brazenly violates the liberties of motorcyclists even in the face of judicial reprimand.

Legislative relief is required. Legislative action reinforces the Washington State Supreme Court's condemnation of pre-textual traffic stops and strengthens the right to

privacy explicated in Article I Section 7 of the Washington State constitution. Legislative action also closes loopholes that allow profiling to continue. Many times following profiling stops motorcyclists are not arrested or given a ticket. This makes it difficult to establish damages in individual instances despite the fact that it is illegal to stop someone based on a pre-text. Requiring all law enforcement agencies in Washington to change their policy towards motorcyclists would close this loophole preventing less quantifiable, but no less important, damages to privacy and equal protection.

Finally, the costs would be virtually non-existent. The fiscal note attached to the SENATE BILL REPORT ESB 5852 on racial profiling passed in 2002 proves the costs of profiling legislation are negligible. Independently, any costs would be far outweighed by the social benefit of preserving civil liberties.

Your support in promoting and ultimately passing House Bill 2511 is a strong statement and confirmation that blatant discrimination and law enforcement profiling will not be tolerated.

Sincerely,