



**WASHINGTON COUNCIL OF POLICE AND SHERIFFS
2018 LEGISLATIVE CANDIDATE QUESTIONS**

1. Budget challenges have increased competition for public funding. Law enforcement officers rely on the state for funding of criminal justice programs, training, and pensions. Please describe where you place the importance of public safety issues in your list of legislative priorities? For context please include a list of public policy issues you place higher than public safety. Based on your prioritization, what public safety policies and public safety funding issues should the 2019 Legislature address?

- 1. Education (Constitutional Paramount Duty)**
- 2. Public Safety**
- 3. Transportation**

First and foremost, we should do no harm. This means protecting law enforcement pensions and honoring our collective bargaining contracts. In addition, we need to maintain LEO protections in deadly force encounters, improve general public safety funding, and expand our training to include more modern threat vectors, such as cybercrime.

As the prime sponsor of the [WA Cybercrime Act](#) of 2016, I testified in committee hearings and spoke on the House floor emphasizing that creating a whole new chapter in the criminal statute for cybercrime was just the start, giving prosecutors the tools they needed to aggressively go after criminal hackers. The next step is the training of our law enforcement teams, and that's something I intend to make a priority now.

(Personally, I've developed many tools used by law enforcement, including FBI drive imaging utilities and Microsoft's Threat Modeling Tool. My son specializes in this field and is working this summer for Google cloud security. After he graduates from MIT next year, he'll be commissioned in the U.S. Navy and head up cyberwarfare efforts at USCYBERCOM.)

2. The Law Enforcement Officers and Fire Fighters (LEOFF) retirement systems are a key issue of importance to WACOPS.
 - a) Efforts have been made in the past to move to a Defined Contribution (DC) pension plan vs. the existing Defined Benefit (DB) plan of LEOFF
2. Would you support or sponsor such efforts (Please explain your

rationale)?

I support offering both Defined Benefit (DB) and Defined Contribution (DC) plans, allowing the employee to choose which best fits their needs. However, DBs require more discipline on the part of the state legislature to resist the temptation to raid the pensions during periods when state revenues decline. I've proven that I can help the state exercise that self-discipline more than most.

- b) The 2008 Legislature passed SB 6573 in recognition of needed benefit enhancement for LEOFF 2 but has not honored the responsibility to make General Fund transfers to the Benefit Enhancement Account. Do you support making this funding transfer when state revenues grow by 5% as the law states? Please explain.

Yes. This is another example of the state not exercising the self-discipline to set aside funds during periods of economic growth. Instead, they've even raided the Budget Stabilization Account (a.k.a. Rainy Day Fund) during a supplemental budget year where we received \$2.3 BILLION in unanticipated revenue.

- c) Will we be able to count on you to support the ongoing needs of the LEOFF programs so that they continue providing benefits for retired, active, and future law enforcement officers?

Yes. You can count on me to support honoring our contracts with law enforcement officers. These are financial obligations that I don't take lightly.

3. In recent years the issues of law enforcement's use of force and use of deadly force have been at the forefront of many legislative hearings. In 2018 an initiative to the legislature (940) was considered. WACOPS opposed I-940. After a historic collaboration that included the initiative's backers, law enforcement (including WACOPS), and bi-partisan legislative leadership, a package of bills was passed including I-940 and ESHB 3003.

WACOPS supports the improved policy language in ESHB 3003.

- a) Please generally describe your understanding of the use of force issues and specifically your knowledge of I-940 and ESHB 3003.

I-940 and ESHB 3003:

- **Require violence de-escalation and mental health training.**

- **Require first aid training for all officers and require that police render first aid at the earliest safe opportunity.**
- **Removes the de facto immunity and adopts a reasonable officer standard.**
- **Requires completely independent investigations of use of deadly force.**
- **Requires notification of tribal governments where a tribal person was injured or killed.**
- **Brings diverse community stakeholders into the process for input on policy.**

However, HB 3003 was an unconstitutional attempt to amend a law that did not exist, the language in I-940.

- b) Due to a current legal fight regarding the legislative process followed in adopting I-940 and ESHB 3003, it may be necessary for the legislature to reaffirm its support of ESHB 3003. This might happen in the early days of the 2019 Legislative session. If elected, can we count on your support to pass it? Please elaborate if necessary.

Yes. I respect the work that WACOPS did with the tribes and other stakeholders. If I-940 is adopted by initiative of the people, I'll join the two-thirds vote to bring it in line with the work done for HB 3003.

That said, we all know that legislation can be amended and change in nature throughout the legislative process. When in doubt, I'll follow the advice of law enforcement colleagues in my caucus (Rep. Hayes, Irwin, Klippert, Holy, Maycumber, etc.).

4. As public employees, the members of WACOPS bargain at the local level for working conditions, wages, and non-pension benefits. Do you support current collective bargaining and binding arbitration laws? What, if any, changes do you believe are necessary?

I support the current system of local collective bargaining and binding arbitration laws.

5. Recent U.S. Supreme Court rulings have hampered workers' abilities to negotiate with their employers. By imposing "Right-to-Work" policies from the bench, the Courts may force unions to provide services for free to all workers, regardless of whether they pay union fees. This effectively weakens their negotiating power.
- a) How would you respond to "Right to Work" attacks in Washington State

and demonstrate your support for workers to join-together to strengthen their voices at work?

Like 82% of Americans [polled by Gallup](#), I don't believe that employees should be forced to join the union or pay an equivalent agency fee. If the Janus case makes public sector union membership voluntary, unions will need to demonstrate their value proposition in a way that I believe will make them more responsive and focused on member satisfaction. In the long run, this can strengthen union locals.

- b) Would you support innovative reforms to state level employment law to solidify the ability for workers to organize?

The Janus case isn't an attack on the ability of unions to organize. Those workers who choose to join a union should be freely allowed that opportunity, as well as be allowed the opportunity to leave the union if they feel it's no longer to their benefit. Tricks to force union membership or make it difficult to leave I don't consider to be "innovative reforms".

Note that I don't support laws that allow non-union members to "free ride" on the benefits of union representation without paying its costs. The National Labor Relations Act allows unions to negotiate contracts covering only dues-paying members, but most unions still voluntarily represent non-members. I think that practice should change, but legislation is not required to allow it.

6. There have been recent efforts to force public employee negotiation sessions into an open public meeting. Do you support these efforts even though the entire final negotiated contract is a public document and available for all to see?

Yes, I support opening collective bargaining sessions to the public when agreements are negotiated with elected officials that have received campaign donations from any organizations at the bargaining table. Holding these behind closed doors gives the appearance of impropriety because of the potential conflict of interest.

While the result is a public document, the "take it or leave it" nature of the [Civil Service Reform Act of 2001](#) allows the Legislature to only accept or reject the agreement as a whole. Additionally, CBAs have never been submitted to the Legislature as a separate document for an up or down vote. Instead they have been rolled into the budget for final approval. This process has effectively negated any legislative oversight.

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Thank you for your interest in public service and in the issues important to the Washington Council of Police & Sheriffs. We are the oldest and largest law enforcement advocacy organization in Washington. We represent almost 4,500 rank and file, fully commissioned officers in our state.

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