

State Representative _____ ,

I am writing to ask for your support and sponsorship for an ACT relating to peace officers subject to arbitration; and adding a new section to chapter 43.101 RCW. The new language would be as follows:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. *Sec. 1. A new section is added to chapter 43.101 RCW to read as follows:*

In the event that any peace officer certified under the provisions of this chapter has been found by the appointing authority, by a preponderance of the evidence, to have engaged in an illegal act or an act of dishonesty or untruthfulness in the discharge of his or her official duties and has been terminated by his or her employing agency based on the finding of having engaged in an illegal act or an act of dishonesty or untruthfulness, the arbitrator shall not substitute his or her judgment for the appointing authority and shall sustain the termination unless the arbitrator also overturns the finding of having engaged in an illegal act or act of dishonesty or untruthfulness.

The reason I am requesting your support of this ACT is to preserve a very simple but crucial tenet regarding the relationship between law enforcement and the community; public trust. Public trust is the most essential element to good police/community relations and a safe society. Sadly this vital trust is under attack daily.

I am continually asked why there seems to be a perceived lack of trust in law enforcement and what can be done about it. One of the most devastating causes of this perception occurs when a peace officer violates their Code of Ethics. When a peace officer lies or commits a crime, they break the public's trust.

In order to stop this erosion of public trust in law enforcement, it is imperative that law enforcement agencies establish and enforce high standards that promote ethical conduct. Establishing high standards is the easy part of this equation; enforcing those standards has become nearly impossible in the State of Washington.

Over the past five years the ability of a Sheriff or Chief to enforce high standards in reference to ethical conduct has been eroded. In the LaFrance v. Kitsap County decision, our State Supreme Court ruled that there was no public policy that prevents the employment of dishonest police officers. This ruling, was both surprising and in error. The Court should have known that not only has there always been policy demanding that peace officers be honest; our society has always expected, if not demanded, that peace officers be honest. The Court in this same ruling stated that an arbitrator's decision was the final word concerning disciplinary issues. The current system of binding arbitration has left Chiefs and Sheriffs little ability to hold peace officers who commit crimes or who have been untruthful in upholding their oaths of office accountable for these offenses.

Arbitrators have made rulings in disciplinary cases acknowledging that a Sheriff or Chief had proven a peace officer had committed crimes or violated the constitutional rights of a citizen, and gone on in their decisions to overturn the Sheriff's or Chief's discipline for a variety of arbitrary reasons.

The actions of both Courts and Arbitrators have resulted in the inability of Sheriffs and Chiefs to rid their agencies and profession of officers who have violated the public's trust and their agencies Code of Ethics. Sheriffs and Chiefs struggle to find positions to place these officers in where they cannot harm the public or expose their agencies to more civil liability. Sheriffs and Chiefs struggle to reconcile the advice given to them by their legal advisors concerning the hostile nature of Washington arbitration decisions and Court rulings as compared to upholding their agency's standards. They watch as their peers are sued and plaintiff officers are awarded large settlements by the Courts or their government entities. They struggle to explain to good peace officers and the public why they cannot terminate unethical officers, and all the while the public's trust in law enforcement ebbs.

I have seen the legislature call for special commissions and studies when high profile breaches of public trust occur. I propose that if the legislature would simply enable Sheriffs and Chiefs to uphold their Oaths and their agencies professional standards, there would be little need for such commissions or studies.

Many Sheriffs and Chiefs realize they are in a growing struggle to maintain the integrity of their profession. They realize they must maintain, and sadly in some cases, regain the crux of a free and safe society, the public's trust.

This is why I am asking you to support this ACT. I understand that there are political risks for supporting such legislation. I simply ask you to consider the risks of a society where law enforcement has lost the public's trust.