

Richard Dien Winfield for Senate

Georgia US Senate CANDIDATE QUESTIONNAIRE

The following questionnaire, prepared by the Georgia FOP Legislative Committee, is being provided to both current US Georgia Senators and to those candidates seeking the position in the upcoming 2020 election. Thanks to each of you for taking the time to answer questions from our membership.

The following is a brief summation of the top legislative priorities of the Fraternal Order of Police:

- ***Social Security issues: Support H.R. 141/S. 521, the “Social Security Fairness Act” and Oppose Mandatory Participation in Social Security***

The FOP strongly supports the repeal of both the “Windfall Elimination Provision” (WEP) and the “Government Pension Offset” (GPO). The FOP vehemently opposes legislation which would mandate participation in Social Security for public employees or new hires who are currently outside the Social Security system.

I support repeal of any legislation that diminishes employee benefits from work related pension plans. Moreover, I support increasing disability and retirement benefits from Social Security to the equivalent of a new fair minimum wage, starting at \$20/hr and adjusted to keep pace with both inflation and national productivity gains. Benefits would then begin at \$41,600 per year.

- ***Support the “State and Local Law Enforcement Discipline, Accountability and Due Process Act”***

The FOP strongly supports a “bill of rights” for law enforcement officers who are, in a number of jurisdictions, denied their due process rights by police administrators and management in noncriminal proceedings. There is a need for a minimum level of procedural protections for law enforcement officers accused of administrative wrongdoing because of the gravity of potential harm to officers created by this lack of uniform safeguards.

As a state employee since 1982, I support an “employee bill of rights” for all employees, mandating due process in all non-criminal work-related matters. This should include free civil legal representation, fully covered by a national Legal Care for All program, which will use a Federally financed legal insurance to guarantee all US residents access to quality civil and criminal legal counsel. Since I am running for the US Senate, my concern is with Federal

Legislation to fulfill all our social rights.

1. The Fraternal Order of Police strongly supports *H.R. 141/S. 521, the “Social Security Fairness Act,”* which would repeal both the “Windfall Elimination Provision” (WEP) and the “Government Pension Offset” (GPO) in current law. The WEP penalizes certain public employees who also worked in the private sector and paid into the Social Security system, through a substantial reduction in their benefits because they also collect a government pension. The GPO provision in current law causes the reduction or elimination of the spouse's or widow(er)'s benefit from Social Security by two-thirds of the monthly amount received from the government pension. The FOP has called for Congress to repeal the WEP and GPO as part of a legislative package in response to the COVID-19 pandemic to simultaneously end a gross unfairness against retired public employees and help to stimulate the economy by eliminating a reduction in the Social Security benefits for these Americans. We believe that the repeal of these two provisions will help our vulnerable retirees and will help stabilize our nation's economy. If elected, will you actively support this measure?

I will support repeal of these provisions as well as repeal of any laws that reduce retirement and disability benefits of employees.

2. What is your position on “qualified immunity?”
If you are against it, are you against it for every occupation who currently has qualified Immunity which includes teachers and others?
Why would you oppose this?

As a state employee, I support providing due process and free legal representation to all state workers to protect their rights on the job. “Qualified immunity” is too vague a provision to provide proper due process protection and proper transparency and accountability of public employees. Instead, we need automatic elections for union representation at all workplaces, both public and private, with the right to collective bargaining and the right to strike for all employees in both the public and private sector.

2. The Fraternal Order of Police strongly supports legislation which would articulate the rights of law enforcement officers who are, in too many jurisdictions, denied their due process rights by police administrators and management. If elected, will you actively support such legislation?

I will actively support due process rights for all employees in both the public and private sector, together with automatic elections for union representation in all unorganized workplaces. In addition, I will work for the repeal of all so-called “Right to Work Laws” which violate the fundamental rights of public employees.

3. More than 90% of our nation's law enforcement officers responding to the COVID-19 pandemic are employed by local and State governments. Efforts to protect public health at this time have had a devastating economic impact on local and State governments which need direct Federal financial support to ensure that vital services like public safety remain available. Congress has provided unprecedented aid to businesses and other segments of our economy, but not enough has been made available to our State and local governments. As a US Georgia Senator will you support local and State governments and ensure they have the financial means to provide full public safety services?

I will support Federal funding to cover all the needs of local and state governments in coping with the massive expenditures required to contain the pandemic and keep all individuals, all public services, and all private business solvent. This funding should be extended as long as needed. This Federal funding can eventually be largely financed by highly graduated income and wealth taxes on the top 10% of income and wealth, with total Federal tax relief for the bottom 90%.

4. The current pandemic represents a new, physical threat to our law enforcement officers, but the heightened vigilance, rising crime and mental stress endured by these officers is as old as the profession itself and often exacts a toll on their mental health. Our law enforcement agencies need to do more than simply protect their officers' physical safety, they must also do more to improve their mental wellness and resiliency. The Office of Community-Oriented Policing Services (COPS) issued a report to Congress pursuant to the enactment of the Law Enforcement Mental Health and Wellness Act. How will your office seek to implement the recommendations in this report?

I will push for a Medicare for All program that will cover all physical, dental, mental, and long-term health care needs of every resident in the United States, with no copays or deductibles. In addition, I will push for an Employee Bill of Rights that will include full paid leave for any absence due to physical or mental health problems. What applies to law enforcement employees should apply to all employees.

6. Law enforcement is facing a high level of hostility from the communities we protect and serve. A defund the police movement has become a narrative used by some to do away with funding to our local police. Hateful rhetoric and those calling for violence are having an impact—ambush attacks on law enforcement and police shootings continue to increase. The public image of policing and police officers have been terribly distorted. How will you as a US Senator demonstrate support and commitment to our states and nation's law enforcement officers?

We need to increase the pay and benefits of police as well as of all public employees. We

also need to fulfill our social rights so that police are no longer left keeping the lid on a dysfunctional society plagued by poverty, homelessness, and untreated mental illness. Local police should not be militarized, and we should introduce sufficiently strict gun control laws to ban assault weapons, body armor, and silencers, and keep guns out of all public places (with the exception of private homes, vehicles, gun stores, firing ranges, and hunting grounds) so that police on local patrol can eventually operate without lethal weapons, with armed backup on call as needed.

7. The Fraternal Order of Police supports legislation that would limit the amount of damages a criminal defendant could recover as a result of injuries that the criminal incurred in the course of committing or being apprehended for a felony or a crime of violence. Would you support such legislation if it were introduced?

Injuries that result from proper use of force in preventing or restraining criminal activity should not warrant damages. Any legislation to deal with law enforcement liability must spell out what proper use of force involves. If this is done as it should be, I would support such legislation.

8. “Racial profiling” is a favorite topic of media reports on police. The FOP has always condemned the practice and asserted that it is not the policy of any U.S. law enforcement agency to base enforcement decisions solely on race. However, legislation like *H.R. 4339/S. 2355, the “End Racial Profiling Act,”* continues to be introduced in Congress. How do you define “racial profiling”? Do you believe that Federal legislation is necessary to address this issue and if so, what would the legislation do and how would affect law enforcement activity at the State and local level?

“Racial profiling” involves activities that end up disproportionately targeting individuals of particular races even if that targeting is not accompanied by explicit racial quotas. When such activity does not involve stopping a crime in progress, it can amount to unwarranted harassment of disadvantaged communities. Since this is a national problem, it warrants Federal legislation to curtail those practices of “racial profiling” that do not legitimately fight crime, but harass racial groups.

9. Several organizations and many progressive mayors have accused State and local law these funds to “target communities of color, including disproportionate numbers of Latinos in particular places, for arrest.” The FOP rejects these assertions as hateful and counter to the law enforcement mission. The 287(g) program is a powerful example of a successful cooperative effort between State and local law enforcement and the Federal

government. For State and local agencies, the Federal resources provided by the program allow them to pursue investigations relating to violent crimes, human trafficking, gang/organized crime activity, sexual-related offenses, narcotics trafficking and money laundering. It also allows the Federal government to tap into the resources and capabilities of State and local agencies to identify and remove serious and violent criminals who have illegally entered the United States. Given the chance would you continue to support or expand this program if giving the opportunity in the Senate?

The Trump administration has been using the 287(g) to hold individuals under ICE detainers who do not fit the pre-listed categories of serious crimes. This is illegal and unconstitutional and needs to stop. Local law enforcement should refuse to use 287(g) ICE retainers in all such cases that do not involve court certified cases of the pre-listed categories. Mere “accusations” of such crimes are not enough to warrant violating our constitutional rights of habeas corpus.

10. The FOP supports legislation like *H.R. 1325, the “Protect and Serve Act,”* would create a new Federal offense for those who deliberately target law enforcement officers with violence and is a direct response to the increased number of law enforcement officers who have been targeted for attack? According to several Federal studies, the number of officers shot in the line of duty has been increasing steadily since at least 2012. The number of deaths attributed to gunfire has remained mostly stable, thanks to advances in anti-ballistic technology and medical trauma science. The fact remains, however, that more officers are shot every year and far too many of these attacks are the result of ambushes and unprovoked attacks. Will you pledge to support this legislation?

All public employees and all US residents are already covered by laws protecting them against targeted assault. More effective in reducing armed attacks on police are strict gun control laws that outlaw private ownership of assault weapons, large ammunition magazines, body armor, silencers, and other gun paraphernalia designed for murder, that mandate liability insurance for all gun and ammunition owners, and prohibit taking private weapons into public spaces other than gun stores, firing ranges, and hunting grounds.

11. What type of Police reforms, training, or retraining are you for or against?

The Georgia FOP is open to dialogue which is what we think makes us all better as a nation.

All police, as well as all public employees, should be unionized, with the rights to collective bargaining and to strike. They should have the opportunity to periodically have paid leave to undergo further relevant training free of charge at institutions of higher learning. All police employees should have paid family leave (including 9 month paid parental leave when a newborn arrives), at least one month paid vacations, and access to free public child and elder care. Training for militarized operations should be permanently discontinued. Police should be relieved of mental health emergency interventions, with the funding of sufficient teams of mental health staff and social workers to deal with such emergencies.