

# ACLU People Power Washington

## 2022 Public Safety Candidate

### Questionnaire – Seattle Municipal Judge



[People Power Washington](#) strives to bring just and equitable public safety to our local communities through relationship building, education and policy reform. We champion policies that divest from police and reinvest in community-based solutions and alternate crisis response, decriminalize non-serious offenses, and implement accountability and enforceable standards for police officers and agencies. Our vision is for public safety in Washington to be community-driven and to meet the needs of all people equitably.

Our group's work advocating for equitable public safety in our local communities has made us well aware of the important role our local government and elected officials play in driving policy around this issue. Appreciating the impact that Seattle Municipal Court judges have on our day-to-day lives, our hope is to empower voters with a non-partisan resource to understand how to vote their values through a lens of criminal justice reform and re-imagining of public safety.

#### Candidate Information

<b>Candidate Name</b>	Pooja Vaddadi
<b>Position Sought</b>	Judicial Position #3
<b>Campaign Contact Information</b>	Website: <a href="https://electpooja.com/">https://electpooja.com/</a> Email: <a href="mailto:pooja@electpooja.com">pooja@electpooja.com</a>

1. How have your experiences with the criminal legal system shaped your views about the nation's system of crime and punishment, and about the judicial role?

My very first trial in the Seattle Municipal Court was about my black client being targeted, wrongfully accused and arrested by a white police officer. My goal throughout this trial was to highlight the imbalance of power and racism in the case, and to ask the jury to hold that officer accountable by acquitting my client. On the final day of trial, my client chose to display a "Black Lives Matter" hat on his video feed. The prosecutor objected to this phrase citing that it was a political statement.

Despite my argument that Black Lives Matter is a statement of fact rather than a political statement, and moreover an expression of his First Amendment Rights, the judge ordered my client to remove the hat he was no longer wearing from view. She then proceeded to engage in a screaming match with my client in front of the jury, leading her to self-declare a mistrial.

Although she had no way of knowing this at the time, the Black Lives Matter movement had special significance to my client. His son had been shot and killed by an SPD officer years earlier.

Judges need to recognize that each person who enters their courtroom comes with unique experiences, some traumatic, and so they must approach each human with compassion and respect. Although that case mistried, the effort that we had spent, and the issues we had highlighted, lead to his matter ultimately being dismissed.

Such indifference, unfortunately, is not isolated to one judge or one incident. I had no plans to run for a judicial position at this point in my career, but after just ten months in the Seattle Municipal Court, it was painfully clear to me that many of our current judges are not acting with the dignity the office requires, fall far short of the standards of professionalism of the other courts in which I've practiced, and that their decisions are systematically harming our most vulnerable defendants. As a judge, my mission will be to administer justice impartially, to treat everyone who enters my courtroom with compassion and respect, and to make use of the proven tools of restorative justice that are too often left idle.

2. What are the biggest changes you think we need to make to our justice system?

Above all, my platform seeks to renew Seattle's confidence in its Municipal Court by elevating judicial competence, fairness, and impartiality. These are not radical ideas - what I aim to do is simply the hard work required to bring this court in line with its mission and the stated, but unfulfilled, promises of almost every judge on the bench.

Over just the past term, my colleagues from the Department of Public Defense and I have seen judges on the bench at Seattle Municipal Court who act like a second prosecutor in the courtroom in these and so many more ways:

- Unchallenged violations of Brady;
- Mislabeling programs as “restorative justice” programs that, in fact, exclude the most vulnerable.
- Open violations of a defendant’s first-amendment right to self expression;
- “Trial tax,” which is a euphemism for judicial retaliation against a defendant for exercising their right to trial through sentencing in gross excess of standing practice;
- Violations of a defendant’s right to a speedy trial;
- Acceptance of the Seattle Prosecutor’s rebranded “high utilizer initiative;” and more.

Every time a judge gets it wrong, a human being suffers. Whether it’s a defendant who is improperly jailed pending appeal, or a witness who must be retraumatized by a second trial, these basic mistakes of law must be reduced. In my ten months of practice in Seattle Municipal Court, I saw a new violation of due process almost every week. As a judge, I will do the hard work and be an example of a fair, compassionate, impartial judge for the rest of the court.

Beyond that, I believe that Seattle Municipal Court has the power to do so much more good for the community than it does now. Programs like community court, mental health court, and the resource center can be expanded to better address the root causes of recidivism: like poverty, lack of access to essential services, lack of communication from the Court, untreated mental illness, chronic homelessness, and addiction. Where the court’s diversion programs fall short now, it’s due to a failure of understanding how these factors interact to prevent a person from meeting their conditions of release and getting back on their feet, and from a lack of respect for the human being at the center of a case. I’m passionate about bringing restorative justice to everyone who comes in contact with the Court, and will forcefully drive the changes necessary to meet their needs.

### 3. What have you done to ensure equality for people of all backgrounds in your courtroom and/or other workplaces?

During my tenure as a public defender I helped many individuals who were impacted directly by disparate treatment, particularly on the basis of race. Because racial injustice is deep-rooted and systemic, I encountered and fought to overcome such challenges almost every day. There is so much that the court can do in its policies to address bias that can’t be achieved just by individual public defenders; and my experience as a public defender will inform not just my decisions, but how I drive new programs grounded in the realities that people of color face.

4. Do you have any professional or personal experience with people experiencing mental illness and what do you see as priorities for our mental health care system?

During my time at Seattle Municipal Court, I represented a young black man who was severely mentally ill, had suffered a brain injury, and was chronically homeless. He did not have much family in the area, but he had an aunt who loved him very much but simply could not support him as much as he needed. He was accused of 12 different counts of misdemeanor crimes, and the City not only opposed his release from jail - they also opposed his participation in mental health court. We desperately needed support from the community, and due to his particular situation, we were eligible to get him help from the SAGE (Support, Advocacy, Growth, and Employment) and LEAD (Law Enforcement Assisted Diversion) programs. It took the combined efforts of his family, his community, and these supportive organizations to develop and implement his release plan.

Unfortunately, he was arrested again, and was ultimately deemed ineligible for mental health court by the judge - in part because Seattle Municipal Court lacked the infrastructure to support an individual with significant needs. When elected, my goal is to advocate for and implement more compassionate and effective restorative justice programs at the court, in order to create better outcomes for those experiencing mental illness. A model already exists in higher courts, but Seattle has so far failed to implement comparable programs. It is my goal to work with legislators and the criminal justice community to build out programs that support those experiencing mental illness, rather than locking them away without treatment.

Incarceration alone may deter crime, but it has been shown to exacerbate mental illness, further destabilize those on the margins, and has no measurable impact on recidivism. If we are to improve public safety in Seattle, we must roll up our sleeves and put in the work to rehabilitate those in need. Otherwise, this court will be complicit in creating more victims.

5. How should a person's substance use disorder be taken into consideration in judicial decisions on diversion, pretrial release, accepting a plea offer, and sentencing?

Addiction is another form of mental illness. When we impose punitive fines and prison time in response to drug offenses, or in response to crimes of poverty exacerbated by addiction, we only reinforce the hardships in their lives and drive them deeper into addiction. It is well-known that poverty is a major contributor to the complex phenomenon of addiction, and that prison is a setting where sobriety and recovery becomes even more difficult. If a defendant is willing to undergo treatment and diversion, it would be callous and irresponsible for a judge to do anything but give them the tools to build a better future. Restorative justice is not an escape from accountability, but the concept that an offender should take accountability, with help from the legal system, so that they do not create future victims.

6. What ideas do you have to make our judicial system more open, transparent, and responsive?

Despite the fact that Washington State elects its judges, it is comparatively rare for a sitting judge to be challenged. I have encountered pressure and pushback for not “waiting my turn,” and I see the tendency of judges to close ranks for fear of being challenged themselves.

Because the judges at Seattle Municipal Court are so seldom challenged, some seem to believe that they are accountable to nobody at all. The incumbent that I challenged was appointed after a twelve-year career enforcing traffic tickets, and one year later he ran uncontested. To my knowledge, he has never faced an election contest or had to defend his record until this election. If not for my race, much about the deficiencies in his record would be unknown even to me.

As part of my platform, I seek to encourage other attorneys, particularly women, BIPOC and LGBTQ+ candidates, to run for judge against problematic or unqualified judges across the state. I believe that sunlight is a disinfectant, and that judges should treat their power as a great responsibility and opportunity to serve rather than as an entitlement for tenure.

I strive to be accountable, equally, to every party with an interest in the outcomes of my court. I would, for example, welcome a system that is more accessible to the public and that would report sentencing decisions through regular and accessible channels.

7. How do you balance the judicial principle of stare decisis, or adherence to precedent, with a rapidly changing society and transformations in our society’s understanding of justice?

The role of a judge is to guarantee procedural fairness, to decide on matters of law in her courtroom, and to ensure that the evidence presented to the trier of fact comports with the rules of evidence. There’s little room for judicial activism in a court of limited jurisdiction such as Seattle Municipal Court - not without bending those rules. A judge must also instill confidence in the public that her court is an impartial venue, and she can do so by exercising her authority with compassion, fairness, and professionalism.

One reason that I’m running for Judge is that, all too often, I have seen the judges at Seattle Municipal Court flagrantly going against precedent, and violating their obligations to the law, to the court, and to Seattle. This occurs most often, though not always, at the expense of the defendant. My judicial philosophy is that every person who walks through that door is entitled to the equal

protection of the law, and particularly to the procedural safeguards so often ignored by this court. That means that all are entitled to a presumption of innocence, to the fair application of bail in accordance with our constitution and the court rules, and to competent and prepared counsel. It means that no person should be belittled or berated from the bench, nor stripped of their dignity, nor subjected to imprisonment without good cause if they've not been convicted.

What I've seen in Seattle Municipal Court defies what I was taught about due process in law school and what I experienced in other courts in Snohomish, Pierce and King Counties. Judges at SMC routinely impose "nominal bail" on the penniless accused, as if to incarcerate the presumed innocent for poverty. Judges at SMC make frequent reversible errors as to the admissibility of mitigating evidence that would "prejudice the prosecution." The judge that I am challenging has even imposed "trial tax," a euphemism for the unlawful application of sentencing that grossly exceeds what is typically imposed in order to retaliate against a defendant for exercising their constitutional right to go to trial. This vile practice chills the exercise of the right to a fair trial, is unconstitutional, and violates specific Ninth Circuit precedent.

I find such practices unlawful, abhorrent, and ineffective at preventing recidivism or improving public safety. These actions defy precedent established by other courts, and do nothing more for Seattle than feed a revolving door of abuse, incarceration, and recidivism.

8. Can you give specific examples of times, on the bench or elsewhere in your professional or personal life, that you recognized personal biases and/or emotional reactions influencing your perspective on a decision you needed to make? How did you account for those influences on your judgment?

I can give an example from my current role as an adjunct professor at Seattle University School of Law. I am currently teaching legal writing II, which revolves around a practical exercise where students are litigating a criminal suppression motion. As a career public defender, I immediately recognize the arguments from the perspective most familiar to me. However, I am not teaching the next generation of public defenders, but the next generation of lawyers who come to school with their own beliefs and career aspirations. I recognize that I teach criminal law with a particular lens, and that in order to benefit my students I must give equal weight and importance to the framing most useful to both criminal defense and prosecution. If any part of my implicit bias winds its way into my teaching, it's that I emphasize procedural correctness and fairness over simply winning a case.

I should note that teaching and advocating both perspectives is not difficult, nor should it ever challenge a practicing attorney to identify and suspend her implicit biases in order to understand both sides of a case. And I can draw on more than just experience in public defense, having also interned with Justice Alison Tucher in the California State Court of Appeals (2019).

9. Please describe one instance in which you faced a legal or judicial ethical dilemma and how you resolved it.

Early in my career while working at the Snohomish County Public Defender Association, I was assigned to a client charged with his second lifetime DUI. This was his first time in jail, and he could not afford to bail out. The toxicology report had not yet been completed, and my client was adamant that he was sober when he was arrested.

The prosecution offered a deal where, if he plead guilty as charged, he would be released prior to his trial date. I did not feel comfortable, nor did I think it was right to plead him guilty when I believed he was innocent. We had long conversations about his options. I advised him of the severe consequences of a second DUI conviction on his record, and all but begged him to change his mind. However, in my role as his defense attorney, I could not resolve the case in a manner that was contrary to my clients' wishes.

As he requested, he pleaded guilty to a second life-time DUI. Two months after he'd been released, my office obtained the blood test results; he was negative for all substances. My client was innocent. I attempted to contact him to inform him that he might have a basis to withdraw his guilty plea, but his phone number was no longer in service, and I had no alternate means of reaching him.

That type of dilemma happens to a public defender routinely. With caseloads in the hundreds, clients from all walks of life, and a prosecutorial system that is often chaotic; what's more remarkable is that we are able to keep doing it day after day.

The demands of the law and competing, adversarial interests mean that legal outcomes are seldom ideal and often unfair, yet in order to do the best that we can for our clients and our communities, lawyers have to shake it off and do their best each day for the person in front of them. As a judge, I'll have a larger scope of responsibility, and put more at risk should I make a mistake. However, my extensive experience with all manner of criminal cases in Washington has prepared me well to identify and mitigate any such legal or judicial ethical dilemmas as I am sure to encounter on the bench.

10. If you observed a party in your courtroom being poorly represented by an unprepared or ineffective lawyer, how would you handle the situation?

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As a judge, it will be my job to follow the law and to rule on motions that are brought in my courtroom. A judge should not, on their own motion, undermine the credibility of any attorney or party in the courtroom. Whether someone is unprepared or ineffective may also be a subjective issue. This answer may be dissatisfying, but the legal and ethical constraints on the bench do not permit a judge to interfere when someone is poorly represented. Much as I might like to impose standards of competence on an attorney from the bench, my responsibility will be to the court and to upholding the highest standard of impartiality and decorum.

11. Please describe your first-hand experiences, if any, dealing with people who are different from you socially, economically, or politically.

I pursued a career in public defense because it put me in direct contact with those in most dire need of help. My journey into public service began early. When I was growing up, I traveled back and forth to Hyderabad, India every year to visit family. This formative experience of seeing such a stark economic divide is what first compelled me to pursue a lifetime of service.

During my career as a public defender, I've helped many individuals who were impacted directly by disparate treatment on the basis of race, sex, gender and gender expression, or income. Because these injustices are deep-rooted and systemic, I encountered and fought to overcome such challenges almost every day. While it's true that, being Indian-American and a daughter of immigrants, I have an innate appreciation for the experiences of the BIPOC community, there is no shortcut to understanding the challenges and struggles of people different from yourself. It was, without a doubt, the accumulation of a thousand experiences helping individual human beings that taught me how to listen to and understand perspectives different from my own.

12. On a [recent podcast of "Amicus with Dahlia Lithwick,"](#) Municipal Judge Victoria Pratt said: *"We weren't delivering justice. Judges were reduced to ineffective bill collectors, imposing*

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*finer we knew would never get paid, the most vulnerable in the community routinely received quality of life tickets for having the audacity to exist when they could not afford housing. We were voyeurs, observing the worst parts of their lives. We punished them for their hardships. It was as if the green monster were lying in wait for people to make a mistake as people went about their day. It seemed that justice officials could leap out in a gotcha! moment and swallow them whole."*

As a judge in Seattle, what steps would you take to address the criminalization of poverty and the cycle it perpetuates wherein the most vulnerable end up cycling through a revolving door to prison?

Judge Pratt's observations would be equally at home here in Seattle, and they remind me of the last traumatic case that I handled in Seattle Municipal Court before deciding that this must be the year I ran for office. It was a straightforward bail hearing for a man who had already qualified for community court by agreement with the prosecutor, meaning that his alleged crime was very minor and he was destined for diversion and dismissal of his charge. The man had transitional housing of the sort where you have to check in frequently to keep it, but he was housed and I believe he had job prospects lined up. A potential success story of restorative justice.

The judge, however, insisted that he must have some "skin in the game," and imposed \$25 bail on this man who didn't have a cent. He begged and pleaded for relief, but the judge wouldn't be moved. Then she told him that a defense bail fund (no such thing exists) could bail him out. He was eventually bailed out by a community bail fund, but by that point it is all but certain he lost his housing and perhaps his job prospects. This is what I mean when I say that Seattle Municipal Court criminalizes poverty. When they fail to recognize the challenges facing the human beings that they "process," judges exacerbate every condition that contributes to desperation and crime.

Misdemeanor crime in Seattle is driven by such factors as poverty, chronic homelessness, and untreated mental illness. Our mandate to secure justice for victims does not excuse us from the obligation to prevent new victims from being created - it's an uncomfortable but unavoidable fact that defendants in Seattle Municipal Court are frequently also victims, and also among the most vulnerable members in our society. Seattle Municipal Court is positioned to do a great deal to mitigate all of those factors, to reduce crime and promote public safety through restorative justice programs, but for at least the last five years they have failed in their mandate. This failure is visible on our streets and in our overcrowded jails.

My campaign is a challenge against these cycles of oppression. Our go-to solution for homelessness and crimes of poverty cannot be to repeatedly lock them away and sever them from any resource or chance of rehabilitation. And, when they are released, we cannot keep withholding supportive services so that their only options are to commit further crimes of survival. We need a

court that paves better paths, that offers solutions to the afflicted, and that believes in the dignity of each human being.

13. What do you think makes a diversion program effective or ineffective? What metrics would you use to measure their effectiveness and would you measure their effectiveness against the effectiveness of a traditional carceral approach? If elected, how would you partner with, expand, or limit the use of diversion programs?

Diversion programs are typically judged by the extent to which they reduce the rates of recidivism - and on that basis, they consistently outperform carceral sentences. However, we must also look at the rates of completion. If a diversion program is not offering sufficient support to its clients, or if employment, mental health, or the circumstances of poverty prevent clients from completing the program, then we need to look at how we can bolster the program, or pair it with other supportive services or community organizations, in order to maximize its potential. I believe diversion is a tragically underused tool in our current judicial system, and intend to expand its use dramatically.

A diversion program must be managed in a way that is responsible to the city, and that makes efficient use of the limited resources available to it. If a program is effective but limited in scope, it should be weighed against programs that can be extended to more people and create better outcomes. One example of a diversion program with proven effectiveness in Seattle Municipal Court is community court, which is broadly applicable to many defendants and has a proven track record of reducing recidivism and connecting vulnerable people with necessary resources. Conversely, the court's Domestic Violence Intervention Program is still treated like a pilot four years after its inception: it explicitly excludes all but straight men from participation and offers so little support that it effectively sets up for failure those most in need of restorative justice, such as those with inflexible obligations to work, to child care, or to treatment. Expanding that program to marginalized groups may be possible, but will require significant outreach to qualified experts and external organizations. This is work that I am willing and able to do.

14. To what extent are approaches such as restorative justice, drug courts, mental health courts, and similar practices appropriate in criminal matters in Seattle?

I want to drive a renewed commitment to restorative justice and compassion at Seattle Municipal Court. The highly punitive approach that Seattle has adopted over the past five years does nothing but perpetuate a cycle of incarceration, poverty, and reoffense, while exposing those affected to a crowded and dangerous environment. My platform is about resuscitating Seattle Municipal Court's ostensible commitment to restorative justice and forcing the court to treat the human beings who

come before it with the requisite compassion and human decency that both Seattle and the law demand. This will mean taking a stand on the meaning of Court Rule 3.2, which governs the setting of bail, and which I believe this court poorly understands. It will also mean diverting defendants at an increased rate to restorative justice programs that can address the underlying reasons that they offend. It may also mean creating new programs, though I see no reason that we need to break entirely new ground. For example, other local courts have already developed highly effective drug treatment and counseling resources in conjunction with drug court, which is not currently but should be offered at Seattle Municipal Court.

**I affirm that all the information provided in response to this questionnaire is true, complete, and correct to the best of my ability, and that no relevant matter has been omitted.**

Signature	/s Pooja Vaddadi	Date:09/23/2022
Printed Name	Pooja Vaddadi	