

ACLU People Power Washington

2022 Policing and Public Safety Candidate Questionnaire – State Legislature



[People Power Washington – Police Accountability](#) 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 police accountability 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 the Washington State Legislature has 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 police reform and re-imagining of public safety.

Candidate Information

Candidate Name	Emijah Smith
Position Sought	37th District State Representative, Position 2
Campaign Contact Information	Website: www.electemijah.com Email: candidate@electemijah.com and info@electemijah.com

Part I – Yes/No Questions

Yes	YES
No	
Additional Comments	

1. Do you support prohibiting traffic stops by armed law enforcement officers for low-level, non-moving violations such as vehicle registration violations and equipment failure?

- Traffic stops are one of the most common ways members of the general public interact with police. For decades, there have been significant racial disparities in traffic stops, particularly for low-level violations, unjustified by the crime-fighting value. This undermines community trust, fairness, and wastes law enforcement resources.
- While there’s a perception that traffic stops are dangerous for police, the reality is that they are far more dangerous for those being stopped, especially if they are people of color.
- As a result, Seattle and other jurisdictions, including Los Angeles, Philadelphia, and the State of Virginia, have restricted or banned traffic stops for low-level traffic violations.

2. Do you support establishing an Independent Prosecutor for cases of criminal conduct arising from police killings?

Yes	YES
No	
Additional Comments	

- Police investigating themselves present an inherent conflict of interest. County Prosecutors work closely with law enforcement and rely on law enforcement for gathering evidence, interviewing witnesses, and providing defense to law enforcement.
- Prosecutors, exercising prosecutorial discretion, often fail to file criminal charges even when unarmed citizens are killed at the hands of law enforcement.

3. Do you support a state law that would remove obstacles, like qualified immunity, when suing police officers for violating a person’s civil rights?

Yes	YES
No	
Additional Comments	

- Today when someone’s constitutional rights have been violated or they are seriously injured or killed by the police, victims or victims’ families can only sue police or the department under federal law 42 USC 1983.
- This federal law includes the legal principle of qualified immunity, which protects government officials performing discretionary immunity from civil suits unless the plaintiff shows that the official violated "clearly established statutory or constitutional rights of which a reasonable person would have known."
- In essence, there are little to no consequences for when law enforcement commits the above actions.
- State legislation could give individuals a legal remedy under state law that does not currently exist.

4. Do you support a state law that would authorize the Attorney General’s (AG’s) Civil Rights Division to investigate a law enforcement department where there are patterns of misconduct?

Yes	YES
No	
Additional Comments	

- Today, in order to hold a law enforcement department accountable for patterns and practices of misconduct such as discriminatory policing, the US Department of Justice is the only entity that can investigate the department and bring a lawsuit or consent decree to effect change.
- State legislation could authorize the AG’s Civil Rights Division to investigate systemic practices that deprive individuals of rights protected by the Washington Constitution, to address the most harmful practices in a department and ensure a minimum quality of policing across Washington.

5. Do you support strengthening law enforcement accountability by establishing statewide protocols for complaints, investigations, discipline, and disciplinary appeals for serious misconduct?

Yes	YES
No	
Additional Comments	

- Holding officers accountable through termination or suspension for serious misconduct at the department-level is important for maintaining public trust and confidence in law enforcement.
- Currently, procedures for administrative accountability are determined separately for each police department or sheriff’s office across the state resulting in inconsistencies and lack of public trust.

6. Do you support ending long term solitary confinement?

Yes	YES
No	
Additional Comments	

- The UN Mandela Rules define long term solitary confinement as torture.
- Human beings have a basic biological need to establish and maintain contact with others. The deprivation of human contact causes severe psychological consequences including depression, anxiety, paranoia, PTSD, psychosis, self-harm and even suicide, which interfere with rehabilitation of incarcerated people.
- The use of solitary confinement does not reduce violence or staff assaults in prisons.

Part II – Free Response Questions

What is your idea of public safety? What are tangible ways to measure progress toward this goal?

I came to community organizing and public policy advocacy honestly. My eyes were opened as a young person in high school at Garfield when I saw my community harmed by the War on Drugs. There was immense over-policing, crime bills further criminalizing people around me who were suffering, and families left in the dust. I consider myself a survivor of that war. I emerged from that time in our collective history determined to be an agent of change and repair the harm I saw. There was no other option for me than to help my community.

In my community work, I have organized alongside parents, youth, and families including formerly incarcerated people and the families of survivors of police violence, for police accountability and to transform the racist criminal legal system. The path forward for accountability includes local, state and federal advocacy and community organizing.

Police accountability is one part of a larger vision of true public safety. We will achieve true public safety when everyone in our communities has access to health care, affordable housing, good jobs and vibrant, healthy communities.

The measures of progress toward true public safety are in the lives of those who have suffered most acutely the harm of the criminal legal system. Examples of tangible ways to measure progress toward public safety could include, among others; reductions in incarceration, reductions in or ending of homelessness, elimination or reduction in racial disparities in wealth and income, increasing wealth and land and business ownership among Black, Indigenous people and other people of color, and increasing safety of our youth, women, LGBTQIA+ and all people at home, in school and in communities.

What would you do, as a state legislator, to further your idea of public safety?

As a state representative, I know I have a unique opportunity to partner with families across our state and organizations like the ACLU to advance policies that will truly make our communities safer. Like I mentioned above, these policies look like reducing harsh penalties for non-violent offenses so we can keep folks out of prison. Additionally, I know from my life experience and from my work, that people are able to stay away from the criminal justice system when we as a society are meeting their basic needs. This means engaging our state as a leader in building more housing, fully funding K-12 and higher education, creating good jobs for people of all backgrounds, investing in the trades, good transit, clean air and water, and more. I've also worked for over a decade as a mother and PTSA parent to reduce the school to prison pipeline for our kids, and particularly Black boys, because I know investment and care early to end those systems will serve us all well far into the future. I know because I've seen them, that there are very helpful interventions we can make as a community when people are young to ensure they're getting the support they need in schools and that staff and educators are respecting them. These interventions are proven to reduce people's engagement in the criminal justice system after graduation, and will serve to keep community members out of prison and all of us more safe and less reliant on a flawed criminal justice system.

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People Power is the grassroots arm of the ACLU - while we adhere to ACLU principles, we are volunteer-driven and do not work for or officially represent the ACLU. People Power activists work in and from their local communities to further civil rights and liberties for all.

Are there police reform/accountability measures that are not addressed here that you think would be productive to pursue?

I believe the steps laid out above are all very worthy and important. I would like to use this space to make a larger point about how police reform/accountability has happened in our state. It is very disheartening to me, as a mother, grandmother, and active community leader, to see widely-supported legislation be passed only to be rolled back in some regards the following year. I understand that as members of government and experts in policy like yourselves, part of our roles are to acknowledge when we get something wrong. However, I am disheartened to see important measures that would change policing culture and improve public safety changed and weakened seemingly under the radar. I don't want that to be part of my service, if I'm so lucky to serve in Olympia. I have no interest in being the person who is complicit in rolling back hard-fought and hard-won police accountability measures. It's time we change our collective culture of policing once and for all.

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	<i>Emijah Smith</i>	Date: June 30, 2022
Printed Name	Emijah Smith	