

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	Darya Farivar
Position Sought	House of Representatives 46th LD Pos. 2
Campaign Contact Information	Website: https://www.daryaforhouse.com Email: info@daryaforhouse.com

Part I – Yes/No Questions

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?

Yes	X
No	
Additional Comments	<p>I absolutely support prohibiting traffic stops. If there is truly a traffic infraction we have the technology to scan the license plate and mail a ticket to their home, we do not logistically need to do this. I also support this because we know traffic stops are used to profile and criminalize black, indigenous, people of color.</p> <p>I'm proud to be a member of the Washington Coalition for Police Accountability (WCPA) which fought hard against HB 1788 which would have rolled back the strong, common-sense standards for vehicular pursuits.</p>

- 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	X
No	
Additional Comments	<p>Absolutely. I'm proud that the WCPA drafted and pushed for the passage of HB 1267 which creates the office of independent investigations. It's absolutely critical that law enforcement are not investigating each other as this is a major conflict of interest. No matter how carefully an investigation is conducted it is incredibly difficult to investigate or prosecute a colleague. It is also important that we follow through and ensure that each part of the process is neutral and free from conflict of interest. This includes independent prosecution.</p>

- 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	X
No	
Additional Comments	<p>Yes, absolutely. Working as the Public Policy Director at Disability Rights Washington, I work primarily with attorneys and I’ve learned a lot about liability. The level of liability provided to individuals and institutions that make important decisions about our well-being is a fine line. Police officers are trusted to make careful choices in life or death situations, there must be adequate liability coverage that also allows for accountability. Qualified immunity provides extensive liability protection with limited ability to hold officers accountable. The combination of qualified immunity and the rollbacks which reduced evidentiary standards for use of force are deadly for black and brown disabled communities. Liability language can either encourage or discourage careful decision making, we have seen the consequence of this repeatedly. We can’t wait any longer.</p>

- 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?

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Yes	X
No	
Additional Comments	I'm supportive of the AG's office providing oversight where there are patterns of misconduct and this needs to be supplemented with meaningful civilian oversight. How we respond to the misconduct is crucial, we cannot reward the department by providing more resources for them to continue their misconduct. Problematic departments should be heavily fined, not rewarded with bigger budgets. Those who are most impacted by misconduct must be part of the decision making structure. While oversight is important for the immediate future, long term we need to invest our resources into alternatives for policing.

- 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	X
No	
Additional Comments	Yes, statewide standards are also important for creating consistency of practices. I am interested in seeing standards that are developed by the AGs office as opposed to out of state entities who profit off of practices such as this. I am also interested in seeing law enforcement adopt these standards within their existing resources.

- 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	X
No	
Additional Comments	<p>Absolutely, I strongly support ending long term solitary confinement. People with disabilities and the BIPOC community are disproportionately impacted by incarceration and solitary confinement. Disability Rights Washington’s AVID team worked closely with partners, including the ACLU on HB 1756/SB 5639. Unfortunately, this legislation stalled out again this last session. We need to elect legislators who understand the deep harm that solitary perpetuates and will commit to supporting this legislation. I strongly support the passage of this legislation.</p> <p>As part of my role at Disability Rights Washington (DRW) I serve as the Trueblood class member liaison. Trueblood is a class action lawsuit that enforces a person’s constitutional right to timely competency evaluation and restoration services. Class members are all people waiting in jail for court-ordered competency evaluation and restoration services. Class members are predominantly people with serious psychiatric disabilities and are often placed directly into solitary confinement upon incarceration. They wait months on end in solitary to go through the competency system and finally get to trial. Solitary confinement does not help anyones mental health, in fact it causes permanent mental and physical harm.</p> <p>Through my work at DRW I have spent considerable time in the King County jails and have seen the conditions and use of solitary confinement myself. It is disgraceful that we force fellow human beings to live in these conditions for months or years or decades on end. There is no question in my mind that we need to stop this form of torture.</p>

- 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?

Everyone wants to and should feel safe in their communities. I've seen the 46th district change tremendously over the years and both housed and houseless neighbors feel unsafe. When community members have what they need to not only survive, but to thrive, we all do better. Increasing public safety starts with providing care the moment it's needed, supporting crisis behavioral health professionals, affordable and accessible low-barrier housing, and reducing the scope of work of law enforcement. We are experiencing serious workforce shortages across the board and especially when it comes to behavioral health care professionals. As a result, we've tried to plug holes by having law enforcement respond to crisis. This isn't working for anyone.

Police are trained to respond to crimes and detain individuals, not to provide a trauma-informed approach to a person in crisis. To be clear- there are still times when law enforcement must be involved in a behavioral health crisis and they should show up to support in these moments. But to support law enforcement and increase public safety we need to reduce their scope of work and bolster our behavioral health crisis system which starts with supporting the workforce.

Public safety includes police accountability. I'm proud to have stood with families who have lost loved ones to police violence as part of the Washington Coalition for Police Accountability. I'm proud to be endorsed by police accountability champion Representative Jesse Johnson and Katrina Johnson, the cousin of Charleena Lyles. I stood with families to pass 1310, through the misinformation campaign that law enforcement created, and through all the rollbacks. I'm proud to say I've been chosen to serve as a founding board member for the Washington State Coalition for Police Accountability as we become a non-profit organization.

Law enforcement, just like civilians in other sectors, must be held accountable for the training they receive, actions they take, and any lives they take. As your Representative I will continue this work alongside family and community members who have lost their loved ones to police violence.

I believe progress is measured by

- Fewer deaths by law enforcement
- Fewer reasons for law enforcement to use force
- Fewer people with disabilities, black, and brown people pulled into the criminal legal system
- Marginalized communities feeling safe to call for emergency help
- Marginalized communities receiving help without dying or being unjustly incarcerated
- Individuals and families feeling safe to enjoy their communities and safe in their homes
- Individuals having access to readily available resources (e.g. food, housing, etc.)

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

As a state legislator, I would prioritize the intersection of behavioral health, housing and homelessness, and the criminal legal system. I live in the Lake City neighborhood, a lower-income community of color, where you can't go anywhere without being directly confronted by the behavioral health and housing crisis. Over 40% of people experiencing homelessness have a disability, many a behavioral health disability. In Washington State, our lack of a behavioral health system drives people with serious psychiatric disabilities into the revolving door of homelessness, crisis, incarceration, and institutionalization.

Our current system misses the mark because it focuses on providing care only when someone meets criteria for involuntary treatment. This is a fine line to walk, and many tip over this line into the criminal legal system during crisis. Involuntary commitment was designed to be a last resort, not the cornerstone of our behavioral health system yet our current system is centered around it. This is the work I know best as Public Policy Director at Disability Rights Washington and as part of the Trueblood Court Monitor's Diversion Team. I've spent the last several years overseeing 12 different diversion programs across the state which do just this, provide help as soon as help is needed. I'm proud to say these programs are doing well enough that they just recently received funding from the state legislature to keep them running. In the House, I would continue to do this work, and redirect our focus from involuntary services and criminal legal investments to community-based programs that intervene as soon as individuals need help – not after it's too late.

In my day job, I advocate for a behavioral health system with true choice that intervenes at the earliest possible point, for many this starts in grade school. And, if elected, I will use my platform to elevate the urgency of this work. Washington State wastes millions of dollars waiting for people to reach a crisis level of care before providing treatment. We can save money and lives by providing low-barrier accessible housing, addressing basic needs, and a full spectrum of care for our residents.

To create meaningful access and treatment options, we need leaders who understand how individuals accessing resources interact with, and rely on, public service systems. I will work for a system that supports individuals with a variety of behavioral health needs, including culturally relevant and LGBTQIA+ responsive services, school-based therapy, outpatient services, disability specific care, and permanent supportive housing with wraparound supports. I will work for a system that provides care as soon as care is needed.

But, to make this vision a reality, we must take care of those who care for us. There is a serious shortage of behavioral health professionals. The schooling required to become a behavioral health professional takes a significant amount of time and money. This results in a less diverse and smaller pool of professionals and fewer individuals pursuing specializations. Once individuals meet the requirements necessary to pursue employment, they are not taken care of as employees. Our healthcare providers are underpaid,

undertrained, and as a result, understaffed. The healthcare providers, social workers, certified peer counselors, and caregivers we rely on to take care of some of our most vulnerable are not treated well. If we want to transform our behavioral health system, we must start by taking care of our behavioral health providers. I will work to make sure they are paid a living wage, are provided the training they need to successfully provide individualized care, and ensure they are encouraged to pursue specializations. By properly supporting our workforce, we encourage others from diverse backgrounds to pursue this career path and increase the number of providers' range of expertise.

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

I'm a community organizer by training, the only way I know how to draft successful legislation is working with impacted communities and taking direction from them. A big part of why I support these ideas is because they have come from families who lost their loved ones to police violence and are part of the Washington Coalition for Police Accountability (WCPA). I'm interested in pursuing legislation that is directed by and for people with direct lived experience including the families of WCPA.

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>Darya Farivar</i>	Date: 6/30/22
Printed Name	Darya Farivar	