

Spokane Candidate Questionnaire

The member organizations of Smart Justice Spokane and Spokane Community Against Racism (SCAR) Platform for Change coalitions asked candidates running for Sheriff, County Commissioner, Prosecutor, Judge, Washington State Representative, and Washington State Senator to respond to 20 questions about racial justice, policing, housing, incarceration, services, and community.

See them all at spokanecandidates.org



Smart Justice Spokane is a broad coalition of over 30 organizations working together to end mass incarceration and eliminate racial disparities in our local criminal justice system. We organize and mobilize together for effective, restorative solutions that are driven by the experiences and needs of those impacted by the criminal justice system. The recovery and integration of those caught up in the criminal justice process is essential for a strong, healthy, and just community.



Spokane Community Against Racism (SCAR) Platform for Change is a coalition advancing a vision of systemic change for the Spokane community that embraces a holistic vision of public safety. This vision reexamines what is considered crime, accounts for its root causes, and recognizes that shared prosperity and community care are at the heart of a healthy society.

Andrew Biviano

Candidate for Spokane County District Court Judge Position 6

1. What racial equity problems exist in Spokane and how will you use this position to fix them?

Two of the biggest racial inequities in Spokane are that BIPOC people have less access to justice and are treated inequitably by the justice system. While I will always strive to be equitable in my own courtroom, I also recognize that lasting systemic change will require proactive engagement with policymakers and the public to identify and change policies that cause BIPOC people to receive lesser justice.

To responsibly make changes, the courts must gather the appropriate data—they need to regularly self-assess by tracking and comparing objective measures of equity such as arrest rates, charges, sentences, etc. across racial demographics. Courts should also reach out to the people they serve—litigants and non-litigants alike—to assess how people feel they have been treated. I am committed to doing all these things.

I will ask questions to help the court respond to the racial inequities revealed by the data, such as: Do we need to change eligibility criteria for diversion programs or adjust these programs to be more culturally appropriate? Do we need to implement more monitoring in lieu of bail? Do we need to rethink bail altogether for certain offenses? How can we help marginalized communities feel less marginalized in our courts? I will work on these issues.

2. You have an opportunity to re-envision law enforcement and the criminal legal system in Spokane County - what should it look like?

I would re-envision law enforcement as a proactive system that prioritizes crime prevention over reactively punishing crime after the fact. This means addressing the root causes of criminalized behavior. When law enforcement and the courts punish behavior without addressing the reasons behind it, we may pause someone's criminal conduct for a time period, but our current recidivism rates prove that we are not reducing—and may in fact be increasing—future criminal conduct.

For some people, the only option to preserve public safety is lengthy incarceration. And there are certain crimes that are so heinous that a severe punishment is appropriate. But in many other cases, courts have an opportunity to disrupt downward spirals and turn lives around. Ample research has shown that punishment is the least effective approach to behavioral change.

I have personal experience disrupting destructive patterns of behavior from my previous work as a mental health case manager. If we were to commit the

resources needed to provide wraparound services to those who are at-risk, we would both save enormous amounts of money in the long run and prevent future crimes and the creation of future victims.

3. How can the community hold you accountable day-to-day in-between elections?

It can be difficult to hold judges accountable between elections because they generally work outside public scrutiny unless they are handling a high-profile case. The media does not cover everything that happens in the courts. But it is still possible to hold judges accountable by paying close attention. I think judicial rating scorecards would be the most effective. Rating scorecards could assess the number of cases handled and their results, any noticeable disparities between different groups, and outcomes of decisions.

Judges can also participate in public events and engage with the community, and should make themselves available to meet with community groups and answer their questions. Judges should also work to improve their community through volunteer service. Any judge who refuses to fulfill these important duties should be held accountable publicly and in their next election.

Policing

1. What is your role in ending racial disparities in law enforcement stops and arrests, and in advancing meaningful oversight and investigation of law enforcement?

Judges oversee and rule upon questions of allegedly discriminatory or otherwise illegal law enforcement conduct. Judges can exclude evidence and dismiss charges in response to constitutional violations. They hear civil cases arising from allegedly illegal conduct. Judges are also tasked with enforcing the statutes that were passed by the Washington State legislature in the wake of George Floyd's murder, and will decide whether or not they have teeth.

Judges' rulings make clear what standards are required for stops, arrests, and uses of force to be legal and permissible. By enforcing the law, judges can send clear messages to prosecutors and law enforcement about the standards they must follow. Judges may also report individuals who regularly or egregiously violate these standards to their professional licensing organization.

Further, judges can and should speak publicly about the need for oversight and investigation of law enforcement, so long as this does not impact their ability to act and be seen as impartial. I believe it is completely consistent to respect and honor the contributions of law enforcement while advocating for better ways to train, evaluate, and supervise officers.

2. What is your assessment and position regarding the militarized culture of law enforcement, lack of appropriate norms and requirements for de-escalation, and continued use and purchase of military equipment by law enforcement?

I think it is critically important that we keep the community involved in deciding for itself how it wants to be policed. Law enforcement officers are true public

servants and get their authority from the consent of the community they serve. This means that we all should be involved in a conversation about what is referred to in the military as the rules of engagement (ROE). We need to decide whether law enforcement is militarized, and how much force they are permitted to use.

I personally think that law enforcement is its most effective, just, and beneficial to society, when it is viewed (and views itself) as protectors and guardians of all community members (even those they are arresting), rather than as warriors in combat against an enemy. It is critical that law enforcement always seeks to de-escalate conflicts whenever possible, particularly when the presence of law enforcement necessarily introduces the possibility of lethal force. This is something that is done quite often in the military when the mission is to stabilize and rebuild a country rather than simply defeat an opposing force. It should be the same mission to stabilize and rebuild our communities here.

3. What are your thoughts about police presence in our schools and how juveniles are impacted by the legal system?

When I was growing up, I never heard of police being present in my school or any school because discipline was handled by school staff. This remained true when I worked in the late 90's as a school counselor and behavioral aide. Even when a student was physically violent, we were trained on how to respond and did not call police.

Children have different developmental needs that police are not necessarily equipped to address. Even the presence of police can often raise the stakes of conflict or cause a trauma response, thus escalating tension and danger in a situation that may otherwise have resolved on its own. Moreover, the presence of police has caused situations that were historically handled by school discipline to become criminal charges and legal matters. This can lead to terrible and inequitable impacts on children and the adults they become.

Even when they are teenagers, and even when they are making very poor decisions, we need to see and treat students as children who need guidance, redirection, and support, not as criminals in need of punishment. Often, these two approaches are mutually exclusive. It is thus critical that we try to avoid unnecessary involvement in the legal system for our children where educational professionals can deliver better outcomes.

4. With the fall of Roe v. Wade and the resulting projected increase of nearly 400% in people coming to Spokane County for abortion care, what will you do to protect pregnant people's right to abortion care without being criminalized, especially if they are traveling to Spokane County for that purpose? How will you protect medical personnel and clinics in the same context?

I cannot comment on issues that may come before me as a judge or indicate in advance how I would rule. I will faithfully enforce the laws and constitutions of the United States and Washington State to the best of my ability.

Incarceration

1. What is your position on Spokane County building a new jail?

Prior to building a new jail, I want to make sure we've done everything we can to safely reduce our jail population through mental health diversion, pretrial supervision and monitoring, and bail reform. If, after taking these steps, we discover our jail is still too small to safely house this smaller population, it would make sense to build a newer and more modern facility that incorporates triage and crisis services that can provide alternatives to incarceration where appropriate.

2. Which of the recommendations of the Spokane County Justice Task Force to reduce the jail population, as outlined in the below documents, do you support or oppose and why?

I support all of the recommendations of the SCJTF, as they are all good ideas to reduce our jail population while providing for public safety. They are also designed to address and solve the problems that lead to people committing crimes and would thus prevent more crimes than our current system, making us all safer.

3. What experience do you have with the criminal justice system and what have you done to engage the voices of the justice- involved or formerly incarcerated in your work?

I have extensive experience in the criminal justice system, primarily through working with the justice involved and formerly incarcerated and amplifying their voices. One of my first jobs after college was as case manager for youth with criminal convictions and mental illness, providing wrap-around services to turn their lives around. This often involved working with probation officers and judges to advocate for what my clients needed in lieu of punishment. I also worked with justice involved and formerly incarcerated adults with mental illness at Spokane Mental Health.

As a lawyer, I have served as a criminal and civil prosecutor. I have also spent a decade working for increased civil rights for those involved in the justice system. This includes a large case against the state of Washington that provided increased rights for all people found Not Guilty by Reason of Insanity. I have taken multiple cases suing the DOC, county jails, and police to enforce the rights of the incarcerated.

All of this has allowed me to amplify the voices of those in the system through litigation, and allowed my clients to speak for themselves through the media. One of my clients was at the governor's signing ceremony for a bill that came about because of our work together.

4. Our courts continue to lack trauma-informed training and responses, culturally appropriate responses, and interpreter services and training around the immigrant community. People describe being shamed, ignored, and frustrated by our current system. How can you, in your role, help change this (including funding, training, increased staffing etc.)?

As a judge, I would have the direct ability to change this by working to change court operations. It would be a high priority to learn what the problems and solutions are and invest in the resources needed, to include funding, training, and staffing. I would want to get the word out to all members of the immigrant community that my door is open and I welcome them to contact me to describe their experiences and what needs to change.

5. The Washington State Supreme Court issued a letter acknowledging that our court system is racist and asked every member of the legal community to work on this. What are your thoughts on this statement and what are you doing about it?

This is one of the most accurate, necessary, and important statements ever written by a court. It is remarkable that it has taken hundreds of years for any court to say what our supreme court said. It is no accident that this was finally achieved once the court had racial and gender balance and diversity. Representation truly matters.

This statement has reminded me to be more vigilant about finding systemic racism and unconscious bias in my own work. I have taken on cases I might have previously declined. I have take pro bono cases because they arose from the systemic problems discussed in this letter. And I have tried to listen more to the voices of marginalized groups and learn about what they need. All of this has made me a better lawyer and will make me a better judge.

Services and community

1. What experience do you have with persons experiencing mental illness and how will you use your position to ensure there is an effective rollout of the recently authorized 988 crisis response system?

As discussed above, I have two decades of experience working closely with people experiencing mental illness. This includes my degree in clinical psychology, my work as a mental health case manager, school counselor for kids with severe behavior disorders, and case manager for adults with serious mental illness. I have also worked as an attorney with dozens of clients experiencing mental illness who needed my help in receiving treatment, being released from solitary confinement, and obtaining their liberty. I am well trained, experienced, and comfortable with people experiencing mental illness, including those in crisis.

As a judge, I would not be in a position to assist in the rollout of the 988 crisis response system. But I will use my position to ensure that the court is doing its best to respond to the mental health needs of those involved in the court.

2. With the goal of addressing the root causes of substance use disorder, what is your position on legislation to partially redirect state cannabis revenues to local prevention, outreach, and recovery support services and end arrests and prosecutions of people for possessing drugs for their personal use?

This question is presumably addressed only to legislative candidates. I cannot comment on issues that may come before me as a judge or indicate in advance how I would rule. I will faithfully enforce the laws and constitutions of the United States and Washington State to the best of my ability.

As a citizen, I can say that I support directing cannabis revenues to prevention, outreach, and recovery support services. It is always wise to invest in effective harm prevention as this prevents human suffering and almost always saves a great deal of money in the long run.

3. Domestic violence continues to be a great concern in our community, with too few shelter beds. How do you plan to address this issue?

Again, I cannot comment on issues that may come before me as a judge or indicate in advance how I would rule. I will faithfully enforce the laws and constitutions of the United States and Washington State to the best of my ability. However, if I were to become a judge I would be able to advocate with policymakers to allocate more resources to shelter beds and other needed services for victims, and intend to do this.

4. How would you address the early learning gap in our community?

I do not believe that I would have a direct role in this area as a judge. As a citizen, I would certainly advocate and work as I am able to close this gap through a more equitable distribution of resources and support.

Housing

1. Why do you think people become homeless in Spokane County and what will you do to address that? For example, what do you see as the County's responsibility to provide shelter and transitional housing as well as partnering with the City of Spokane?

Judges do not have direct involvement in housing policy. I cannot comment on the legal obligations of the county and city in this area, as this may be an issue on which I am asked to rule. But I will work as judge to not add to the homeless population and consider whether a judgment or sentence will make someone lose their housing or cause other unintended consequences.

From my interactions with people experiencing homelessness, it is clear that there are myriad causes, to include physical and mental disabilities, job loss, evictions, substance abuse, criminal convictions, and more. No matter the cause, one of the biggest barriers is simply the difficulty and expense of finding new housing. Many people are not approved for housing due to convictions or poor credit, or cannot come up with the front loaded rent and deposit requirements, even if they work. Some cannot find housing that can accommodate their disability. Most of us do not fully understand how difficult it is to find housing once you have lost it.

A very important strategy is to help people avoid losing their housing in the first place. We should also invest in providing the supports and resources, such as

case managers, to help people navigate the tough task of regaining housing and stability.

2. What is your vision for dealing with the lack of housing in our community? What funding (such as using ARPA for rental assistance), tenant rights and protections, affordable housing and infill are needed to keep people housed?

Judges do not have direct involvement in housing policy. I cannot comment on the legal obligations of landlords and tenants, or zoning decisions, as these may be issues on which I am asked to rule. But I do hope that policymakers will invest as needed to ensure that there is enough housing for everyone in our community and that it is affordable. There is a long history of governments investing in providing ample and affordable housing, including rental assistance, and these efforts have been upheld by courts and often deemed sound government policy. Sadly, these government programs have often excluded BIPOC people and communities from participation, leading to much of the inequities in our country. It is critical that any current and future housing programs proactively work to prevent and future disparities and remedy past injustices as much as possible.

3. People who once had stable housing are often put at risk due to inadequate aging- and disability-related personal care and supports. How do public and private funded in-home services fit into your plan to address our housing crisis?

Judges do not have direct involvement in this area either, so I do not have a plan to address this crisis.

I will add that as an attorney I have helped multiple clients sue the State in order to obtain the disability-related personal care and supports they need and to which they are entitled. This is a statewide problem that calls out for state level solutions in the legislative and executive branches. As a judge, I will follow and enforce the laws passed by these branches of government.

Spokane Community Against Racism Platform for Change Coalition Partners:

Spokane Community Against Racism (SCAR)

Asian Pacific Islander Coalition (APIC) -
Spokane Chapter

Eastern Washington Progressives

Faith Leaders and Leaders of Conscience

FUSE Washington

Greater Spokane Progress

Hispanic Business/Professional Association

Latinos en Spokane

MAC Movement

Muslims for Community Action And Support

Peace and Justice Action League of Spokane
(PJALS)

Planned Parenthood Advocates of Greater
Washington and North Idaho

Progressives of Spokane County

RAIZ of Planned Parenthood

Red Skirt Society

SHAWL Society

Smart Justice Spokane

Spectrum Center Spokane

Spokane Alliance

Spokane Ministers' Fellowship

Tenants Union of Washington State

Smart Justice Spokane Coalition Partners:

ACLU of Washington

All Saints Lutheran Church

Carl Maxey Center

Chihak & Associates – Disability Attorneys

Disability Rights Washington

Community Building Foundation

Community-Minded Enterprises

Freedom Project East

Fuse Washington

Fulcrum Institute Dispute Resolution Clinic

Greater Spokane Progress

I Did The Time / Revive Center for Returning
Citizens

KYRS Thin Air Community Radio

League of Women Voters Spokane Area

Martin Luther King Jr. Family Outreach Center

NAMI Spokane – National Alliance on Mental
Illness

Neighborhood Alliance of Spokane

Northwest Fair Housing Alliance

Peace and Justice Action League of Spokane

River Warrior Society

SEIU Healthcare 775 NW

Smith-Barbieri Progressive Fund

Spokane Branch Unit 1137 NAACP

Spokane Community Against Racism

Spokane Low Income Housing Consortium

Spokane Tribe of Indians

Unitarian Universalist Church of Spokane

University Legal Assistance, Gonzaga Law
School

Washington Community Action Network

Washington Education Association, Eastern
Washington

Washington State Council of City & County
Employees – Local 270 AFSCME