

Prithika Balakrishnan

UC College of the Law, San Francisco
200 McAllister Street, San Francisco CA 94102 | 415-407-1777 | balakrishnanp@uclawsf.edu

ACADEMIC APPOINTMENTS

UC College of the Law, San Francisco, California

Associate Professor, July 2024 – present

- Courses Taught: Criminal Law, Criminal Practice Clinic, Social Justice Lawyering

UC College of the Law, San Francisco, California

C. Keith Wingate Visiting Assistant Professor, August 2022 – June 2024

- Courses Taught: Criminal Practice Clinic

UC Berkeley School of Law, Berkeley, California

Lecturer, August 2017 – May 2022

- Courses Taught: Criminal Law and Ethics, Advanced Criminal Trial Practice

RESEARCH AND TEACHING INTERESTS

Primary: Criminal Law, Criminal Procedure, Evidence, Professional Responsibility

Secondary: Race and the Law, Constitutional Law, Trial Advocacy, Law and Technology

SCHOLARSHIP

Mass Surveillance as Racialized Control, 71 UCLA L. Rev. 428 (2024)

- This Article examines how the expanded use of pretrial GPS surveillance is radically changing the presumption of innocence by implicating punitive measures absent constitutional protections and amplifying the racial disparities in our criminal justice system. Largely viewed as a substitution for physical detention and, therefore, a less onerous intrusion on a defendant's liberty, pretrial GPS surveillance has eroded fundamental liberties under the guise of criminal justice regulation. These highly racialized but invisible repercussions include harms to physical and psychological health, freedom of movement, privacy and future economic self-determination. I argue that in light of these substantial harms, courts must examine how they evaluate technological surveillance, providing defendants substantive and procedural due process protections where there currently are none.

Presumed Dangerous (work in progress)

- The Bail Reform Act of 1984 explicitly allowed the preventative detention of criminal defendants based upon the deterrence of future crimes. Upheld against a facial challenge by the Supreme Court in *United States v. Salerno*, 481 U.S. 739 (1987), the Act designated the protection of public safety as a legitimate regulatory purpose of bail. In the years subsequent to *Salerno*, future dangerousness has dwarfed concerns over flight risk in decisions concerning pretrial release, resulting in an unprecedented increase in pretrial incarceration and amplifying the racial disparities in our criminal legal system. Today, judicial consideration of public safety is accepted, even by anti-carceral

reformers, as an intrinsic component of the bail analysis. In this article, I contend that the origins of “future dangerousness” and its insertion into the pretrial detention analysis can be found in the backlash to the civil rights movement and the racialized politics of the 1970s and 1980s. Moreover, this Article challenges the conventional precedent of *Salerno*, showing that as technologically mediated methods of decision-making have become more prevalent in judicial determinations, the continued reliance on future dangerousness as a bail consideration violates due process and the Equal Protection Clause of the Constitution.

The Suspect Data Double and the Preventive State (work in progress)

- The concept of the “suspect data double” emerges as police surveillance shifts from traditional crime deterrence and evidence gathering to data collection and predictive policing. Importing the idea of the data double from sociology and surveillance studies, this paper interrogates the creation of suspect profiles constructed from aggregated and rhizomatic data. This suspect data double is used by law enforcement in predictive policing, informing risk assessments, driving preemptive police action and altering the concepts of reasonable suspicion and probable cause. Unlike traditional policing methods, predictive policing employs correlations in unconnected data and exists beyond the reaches of the Fourth Amendment. This Article shows how the suspect data double will work to amplify racial biases and raises concerns about the growth of the preventive state.

SELECTED PRESENTATIONS

“Glowing Up Our Clinic Seminar,” Northern California Clinical Conference, UC Berkeley School of Law (February 2025) (panelist)

“Background on Legal Theories and Approaches to Homelessness,” Symposium on the Impact of *Grants Pass* on Homelessness in the Bay Area, UC Law San Francisco Constitutional Law Quarterly (January 2025) (moderator)

Rocky Mountain Junior Scholars Forum, University of Utah, S.J. Quinney College of Law (November 2024) (presenter)

“The Debt-Free Justice Movement,” Fine-Free Justice: Lessons from Across Movements, Center for Racial and Economic Justice, UC Law San Francisco (November 2024) (moderator)

“Race and the Criminal Legal System,” CrimFest 2024, Cardozo School of Law (July 2024) (panelist)

Third Annual Michael A. Olivas Writing Institute, UC Davis School of Law (June 2024) (presenter)

“Restorative Justice Models: Lessons Learned from Race Conscious Reforms,” Racial Justice Lawyering Symposium, Center for Racial and Economic Justice, UC Law San Francisco (March 2024) (panelist)

“Presumed Dangerous,” CUNY School of Law, Asian American Pacific Islander (AAPI) and Middle Eastern and North African (MENA) Women in the Legal Academy Workshop (October 2023) (presenter)

“Pretrial Release, Probation and Parole,” CrimFest 2023, Brooklyn Law School (July 2023) (panelist)

“Presumed Dangerous,” Decarceration Law Professors 2023 Works-in-Progress Workshop (July 2023) (presenter)

“Punishing the Presumed Innocent,” AALS Conference on Clinical Legal Education, Clinical Conference, Works in Progress (April 2023) (presenter)

“Practices to Build, Sustain and Teach Resilient Hope in the Midst of a Long-Term Struggle for Social Change,” AALS Conference on Clinical Legal Education (April 2023) (panelist)

“Racial Impacts and Disparities of E-Carceration,” Clinical Writer’s Workshop, NYU School of Law (October 2022) (presenter)

“Racial Impacts and Disparities of E-Carceration,” UC Davis School of Law, Asian American Pacific Islander (AAPI) and Middle Eastern and North African (MENA) Women in the Legal Academy Workshop (September 2022) (presenter)

EDUCATION

Yale Law School, New Haven, Connecticut

JD, 2009

- Charles G. Albom Prize for Excellence in Appellate Advocacy
- Olin Fellowship for Law, Economics and Public Policy
- *Yale Human Rights and Development Law Journal*, Articles Editor

Stanford University, Palo Alto, California

BA in Economics and History, summa cum laude, 1998

- Highest Departmental Honors
- Stanford University Robert M. Golden Medal for Excellence in the Humanities

OTHER EXPERIENCE

San Francisco Public Defenders Office, San Francisco, California

Deputy Public Defender, 2009-2021

- Felony trial attorney. Handled life-cases, sex crimes and homicides, conducting over 30 jury trials to verdict. Managed several of San Francisco’s mental health collaborative courts, which are lauded as national models of evidence-based, treatment-focused strategies for addressing mental health and addiction as root causes of criminality. Ensured clients received and participated in mental health services. Advocated for improved legal outcomes for clients with mental health concerns, including dismissal of charges, early termination of probation and reduction of the severity of charges upon program graduation. Extensive motions practice, including bail motions, suppression motions, demurrers, motions to dismiss, in limine motions and appellate writs. Led new attorney trainings in Voir Dire and Opening Statement. Moderated case conferences.

Hotel Employees and Restaurant Employees Union, Local 2 San Francisco, San Francisco, California

Union Organizer, 2001-2005

- Represented hotel workers in grievance hearings and mediation. Developed leadership among rank-and-file union members in contract negotiations and worker campaigns.

Peace Corps Honduras, Washington, DC

Volunteer, 1998-2000

- Advised a group of indigenous women in the creation, administration and management of an artisan cooperative, focusing on the sustainability of women-owned, income-generating, small businesses.

BAR ADMISSIONS

California (2009)