



The What A Difference a DA Makes (WADADAM) voter education campaign is a network of more than 600 Massachusetts organizations and individuals dedicated to highlighting the life-changing impact district attorneys (DAs) have on our communities and our entire Commonwealth.

Voters have spoken loud and clear: our criminal legal system is not working. Instead of focusing on rehabilitation and helping our neighbors become productive members of our communities, our criminal legal system measures success by how many people are behind bars.

As a network, we are committed to ensuring that all Massachusetts voters have the information they need to decide which DA candidate will best help build a criminal legal system that promotes safety, fairness, and justice.

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GENERAL

1.) Please describe your qualifications and experience that make you the best candidate to reform the role of district attorney.

My criminal law professor, Angela J. Davis, taught me about the power of the prosecutor and how the use of that power has led to over incarceration, particularly of people of color. This education inspired me to become a criminal defense attorney. I started 15 years ago as a post-conviction death penalty attorney in Florida. I learned the importance of hard work and creativity in zealous representation. I have worked in the courts in the Commonwealth for the past 12 years, mostly representing indigent criminal defendants in trial and appellate matters. More recently, I expanded my practice to include plaintiff side employment law matters, family law, and consumer protection/class action work.

I have become very frustrated by the limitations of my criminal defense advocacy. I can help my clients with their legal problems, but there is not enough that I can do to help them with the underlying problems (addiction, mental health problems, childhood trauma, the effects of poverty).

I am even more frustrated for victims of crime. Many of my criminal clients have been victimized by crime, as have my family and employment clients. We need to do more in terms of prevention to protect people from being victimized by crime.

2.) What is your current assessment of your local District Attorney's Office? What are the issues that need the most improvement or transformation?

The leadership in the local District Attorney's office has a very narrow and destructive view of the role of the District Attorney in promoting public safety and justice. In the first debate, my opponent, the acting District Attorney, stated that it is not the job of the District Attorney to exercise discretion, rather it is to enforce the law, including enforcing whatever minimum mandatory sentences are available. He also stated that whatever problems that Defendants have in terms of substance abuse, mental health issues, income inequality- do not factor into the mission of his office.

I strongly disagree with this approach. As an elected law enforcement officer, I see the role of the District Attorney to serve as the conscience of the community and both lead the community discussion around defining justice and to reflect the values of this community. We live in a very progressive area and the people here want to see everyone treated fairly. Berkshire County is one of the poorest in the Commonwealth and has been hit hard by the opioid epidemic. The District Attorney has a responsibility to work with community partners to address these challenges and to prevent crime.

The current District Attorney's Office is stuck in 1980's "tough-on-crime" mindset. It opposed the Drug Court that has been established in this county. It has blocked efforts to establish formal diversion programs. Berkshire County has no mental health or veterans' court. The District Attorney's Office has opposed a pretrial diversion program.

The District Attorney's Office refuses to acknowledge the impact of systemic racism on the criminal justice system. MassInc's recent study drives this home regarding Berkshire County. It showed median bail amounts in Berkshire County for minority defendants are five times higher than for white defendants. In Berkshire County, 15.9% of pretrial detainees are African-American while that group

makes up only 3.1% of this county's population.

3.) Since the 1980s, the population of incarcerated people in Massachusetts has quadrupled. While the incarcerated population is decreasing, the Commonwealth still faces over-incarceration and a high recidivism rate. If elected, what policies or initiatives do you plan to introduce to further decrease the number of people who are incarcerated and reduce recidivism while keeping the public safe?

I firmly believe that the following six policies will reduce repeat offenders and reduce crime:

*Increase diversion programs- I am particularly interested programs like the "Road to Recovery" being piloted in Suffolk County, MA. I believe that low-level offenders should be steered towards treatment and out of the criminal justice system at the earliest opportunity. I also fully support juvenile diversion programs including programs that are willing to take risks on who they admit.

*Increase mental health treatment- I will also advocate bringing mental health and veterans courts to Berkshire County. Those courts emphasis treatment over incarceration for veterans and others suffering from mental illness.

*Increase and support reentry programs- Reentry programs are vitally important to break the cycle of re-incarceration. I am appalled that during this economic boom funding for reentry programs are being cut. It is unacceptable that the state budgets only \$90,000 a year for reentry. After I am elected I will advocate for these programs. Post-conviction restorative justice programs have been shown to be effective in reducing crime and I hope to bring that type of program to Berkshire County.

*Implement a restorative justice program-I fully support ch. 276B as included in the recent criminal justice reform bill. I intend to implement a restorative justice program in Berkshire County. Restorative justice allows victims to be vindicated and gives defendants the opportunity to make amends for their actions.

*Ensure my ADAs are trained to understand and deal with the mental health and substance-use disorders of defendants and advocate for similar training for other stakeholders.

*Ensure that ADAs are trained in cultural competency to eliminate bias in prosecution.

*Promote sentencing policies that reduce crime. MassInc's studies have shown that the way a sentence is structured has an impact on recidivism. I shall direct my ADA's to seek sentences, including indeterminate sentences and sentences with a period of post-release supervision, which promote rehabilitation and reduce recidivism.

4.) Recent Massachusetts data shows that people who suffer from substance use disorder are 120 times more likely to die of an overdose upon release from incarceration than others who are not incarcerated. How do you plan to deal with defendants living with substance use disorder?

I believe in diversion programs that include treatment for substance use disorder. Substance use

disorder is medical problem that should be treated by the healthcare system not the prison system. Treating substance use disorder as a crime worsens the problem and leads to even more crime. I will make full use of Mass Gen Laws ch.111E §§ 10-12 to divert defendants. That said, I will advocate increasing the substance use treatment programs offered by jails and prisons.

I will ensure my ADAs are trained and knowledgeable about substance use disorder and its effects. My ADAs will take into account a defendant's treatment status when recommending a sentence.

.5) With the decline in funding and placements for mental health services, our jails and prisons have become de facto treatment facilities for people living with mental health issues and mental illness. What is your understanding of how district attorneys can improve public safety through mental health treatment? What would you do to increase opportunities for treatment?

I will support the diversion of mentally ill defendants away from the criminal justice system. Mental illness is not a crime. Improving mental health treatment is one of the most important ways to improve public safety. I will be a willing partner with mental health providers in Berkshire County.

However, we just do not have enough diversion programs. While I support bringing mental health and veterans' courts to Berkshire County these are only a first step. I will advocate to the legislature and other stakeholders for more diversion programs. Studies have shown that these programs will reduce costs to the Commonwealth. And they are the right thing to do!

I will ensure my ADAs are trained to understand and deal with the mental health disorders of defendants and advocate for similar training for other stakeholders.

6) Public safety has historically relied on outdated language and "tough-on-crime" policies. There is, however, significant research and examples that show restorative justice, diversion, education, and treatment increase public safety. As district attorney, how will you work to change the public's understanding of how public safety can be achieved?

I believe it is the DA's role to advocate for these changes and educate the public regarding them. I am doing that through my campaign and will continue to do so after I am elected. After I am elected I will reach out to schools, community groups, and the public to educate them and about the role of these programs in reducing crime. I will not hide in my office from this community.

I will support the Legislature's criminal justice reform efforts. I intend to engage with the criminal justice system reform efforts now underway in Massachusetts and to work to bring additional reform both locally and statewide.

I intend to take advantage of Berkshire County's size to innovate. We can try new approaches for less money than other jurisdictions. I want my office and county to serve as a model for the best practices in the criminal justice system.

I believe the Berkshire District Attorney should have its own website which would educate the public about restorative justice, diversion, education, and treatment; our current office still piggy backs off the Mass.gov website. The District Attorney is an elected official; it is important that she communicate with her constituents. I believe the District Attorney's should have a social media

presence for the same reasons.

I will work with criminal justice minded organizations to redefine how the success of the office is measured from one measured by convictions rates and length of sentences to one defined by adding value to the community. I will implement a data tracking systems so that we can measure our success. I want to know who is being charged, what they are being charged with, what the recommendations and outcomes were. I will define our success by how many people are placed into programs that did not reoffend, reducing crime rates and satisfaction of victims. My office will be accountable to the tax payers and the community by making this data publically available.

RACIAL JUSTICE

1) Despite having the lowest incarceration rate in the nation, Massachusetts has one of the highest racial disparities in incarceration rates. Do you believe the District Attorney's Office contributes to racial disparities in the criminal legal system?

Yes No

If yes, please identify the ways in which the policies and practices have contributed, and what you would do as DA to reduce or eliminate them.

This District Attorney's "tough-on-crime" policies disproportionately impact people of color and the poor. The emphasis on seeking the maximum penalty for low-level nonviolent offenses has led to the increasing disparity in the incarceration rate. The current policies have not stopped the cycle of re-offense and re-incarceration. Too often prosecutors in Berkshire County and elsewhere seem to start at the maximum sentencing range and look for justification to make downward recommendations. This thinking should be switched. My office will have clear policies and guidance as to when and why line prosecutors will climb the sentencing ladder. My policies will focus on reducing crime by interrupting the endless cycle of re- offense and re-incarceration.

My office will have a better relationship with poor and minority communities. I will engage in community outreach. I will require every employee of the District Attorney's Office to take diversity training. This is especially important for attorneys because attorneys are inherently privileged. My assistant district attorneys will understand the perspectives of their constituency. I believe these are the right things to do. It will make us more successful as an office because we will have better relationships with the community.

Better relationships with the community will lead to a reduction in crime. Victims and defendants are often from the same community, even the same people. My assistant district attorneys will recognize that they too are part of that same community. My office will treat everyone with whom it interacts fairly, professionally, and as members of the same community. I will lead the way in building the type of relationships between the community and law enforcement that build trust and legitimacy and ultimately lead to a reduction in crime.

If no, why not?

2) People of color and language minorities are significantly underrepresented in district attorneys' offices. What do you plan to do to increase the diversity of the staff to

better reflect the demographics of the community?

I am committed to ensuring that my office reflects its constituency. This is a priority for me. As the top law enforcement officer in the county, I would work to bring more women and people of color into the court system and into law enforcement. I would do this by establishing a formal mentoring program and by seeking out talented women and people of color for open positions and by encouraging the people in hiring positions to do the same. I am committed to hiring talented people who reflect the community they will serve.

3) Will you commit to collecting, analyzing and reporting data on the race of the people your office prosecutes or advocates for including but not limited to: bail request, recommendations for diversion, charging decisions, sentencing recommendations, motions for civil asset forfeiture, and victim witness assistance funds?

Yes No

If no, why not?

TRANSPARENCY

1) The annual reports from the Massachusetts District Attorneys Association (MDAA) to the Legislature have been quite low in substance, suggesting differing data collection across Massachusetts and a lack of attention on data quality. What would you do to improve data collection?

This is a major policy objective. I am also committed to transparency and accountability to the public in terms of how much money they are spending and what benefit my office has provided to the community by transferring resources from prosecution and incarceration to programs that will support people. I will work with the State Auditor and with my legislators for funding and expertise in order to collect and share data so that we can measure the effectiveness of my office.

2) Will you agree to consistently collect and make charge and disposition data publicly available - including demographic data such as race, age, and gender?

Yes No

If no, why not?

3) Will you regularly share and make available reports on the collection, retention and use of civil asset forfeiture funds?

Yes No

If no, why not?

ACCOUNTABILITY

1) From signing police overtime slips for court appearances to investigating police-involved shootings, district attorneys have an important role to play with respect to police accountability. What will you do to ensure that the District Attorney's Office holds police accountable for misconduct?

I am committed to using independent prosecutors to investigate cases of alleged police brutality. It is not appropriate for the prosecutors that work hand-in-hand with law enforcement to investigate such allegations due to an inherent conflict of interest. I will work for equality under the law at every opportunity. Where an individual is killed by the police or in custody, I will seek a judicial inquest to investigate the circumstances surrounding the death.

2) According to the National Registry of Exonerations, more than 50 percent of known wrongful convictions involve official misconduct, including the withholding of exculpatory evidence from people charged with crimes. What steps will you take to reform current discovery practices so that people charged with crimes actually have all the information they need to defend themselves?

In my experience, prosecutors have a very limited understanding of what constitutes exculpatory evidence under Brady. I will provide legally mandated discovery to defendants early in the process. I realize defendants need discovery in order to prepare for trial and to make decisions about whether to accept a plea offer and so that the adversarial process works as intended. I will have an open file policy allowing for defense counsel to inspect files.

3. The four nationally recognized principles to ensuring an effective Conviction Integrity Unit are independence, flexibility, transparency, and prevention. If elected, what steps will you take to bring the Office's Conviction Integrity Unit's practices in line with these best practices?

I am not a Suffolk or Middlesex candidate but I am answering this question because as an appellate and postconviction attorney I realize how important this issue is. I intend to establish a conviction review panel in the Berkshire County District Attorney's Office. It will follow the practices outlined in the recent resolution regarding conviction review units passed by the MBA's House of Delegates.

COMMUNITY ENGAGEMENT

1) Do you support the creation of a community advisory board that would regularly engage with the District Attorney's Office on prosecution priorities, victim needs, community based alternatives to incarceration and other training and office policies?

Yes No

If no, why not?

2) Please list five community based organizations that you have worked with and/or plan to work with to increase diversion, lower recidivism and/or provide education, training, and treatment as an alternative to incarceration.

As a defense attorney, I make it a priority to connect my clients with needed services, even though it rarely has much to do with the disposition of their case. I work with the Brien Center, Community Support Options, and Service Net. I have also visited and discussed partnering with Volunteers in Medicine (VIM) to provide services as part of a formal diversion program. I have also spoken with the Crane Center about providing drug treatment as part of a formal diversion program.

3) Please list five community based organizations that you have worked with and/or plan to work with to increase support to victims of crimes including but not limited to counseling, relocation or other financial services, and restorative justice opportunities.

I would partner with the Elizabeth Freeman Center, Berkshire County Kids' Place, Girls Inc., Habitat for Humanity, and Berkshire County Action Council.

4) Reform movements tend to make lofty assertions about how society or a particular institution must change. Those leading the move for reform, however, often leave out the people most directly impacted. What role do you see formerly incarcerated people playing in your administration and any reforms it will make?

One of my top priorities is to form a Citizen's Advisory Board (similar to the one in Franklin/Hampshire County) to advise the District Attorney's office. This board will consist of a diverse group of community members including formerly incarcerated individuals. I will also look for opportunities to employ formerly incarcerated individuals.

IMMIGRATION

1) Recently, low-level criminal offenses have been used as the basis for deportation proceedings against individuals who, in most instances, have made meaningful contributions to their communities and families. These offenses, which could be dealt with through non-criminal proceedings or diversion, result in disrupted lives and families being torn apart. If elected, what will you do to interrupt the use of the criminal justice system to deport people charged with minor offenses?

I have battled our current District Attorney's office on this issue and have been horrified by the office's complete disregard of the outsized ramifications of criminal charges to undocumented people. I have seen probation officers threaten to turn people charged with minor offenses over to ICE. My office will take those consequences into account when charging people and/or on disposition.

PRIVACY

1) Electronic surveillance techniques give law enforcement significant power to obtain extremely sensitive information about people. In a free society, people must know what their government is doing behind closed doors. If elected, will you release annual transparency reports, detailing how many times your office issued surveillance demands on companies or applied for warrants or other court orders to conduct electronic surveillance? Will you disclose the type of investigation (e.g. drugs, assault, larceny, etc.) and the type of legal demand (e.g. subpoena, court order, warrant, wiretap order) your office sought?

Yes No

If no, why not?

2) Technology moves much faster than the law - and historically, prosecutors in Massachusetts have pushed back against efforts to update privacy law. Other states have passed privacy laws dealing with license plate readers, drones, stingrays, and demands to companies like Google and Facebook for user information, but Massachusetts has not. If elected, will you support privacy legislation to require warrants for electronic surveillance?

Yes No

If no, why not?

3) Law enforcement can obtain huge quantities of information about people in Massachusetts without obtaining a court order, using an administrative subpoena that merely requires the signature of a district attorney. The state of California has passed privacy legislation to require a warrant for law enforcement access to sensitive metadata like call records, IP addresses, and credit card and banking information. If elected, will you support similar legislation in Massachusetts?

Yes No

If no, why not?

4) In the last several legislative sessions, DAs have pushed for a broad expansion of

Massachusetts' wiretap statute. The justification for some of this expansion has been to solve gang-related homicides; currently, gang activity is not considered organized crime for purposes of the statute. Would you support an expansion limited to homicide only?

Yes No

If no, why not?

BAIL

1) In light of the recent Commonwealth v. Brangan decision, the practice of requesting bail out of concern for public safety - but not pursuant to a 58A dangerousness hearing under - should no longer happen. Will you commit to ensuring that assistant district attorneys will not misuse the dangerousness hearing?

Yes No

If yes, how?

If a defendant poses a threat to public safety, a dangerousness hearing is the proper remedy. I will require my ADAs to seek a supervisor's approval when seeking a dangerousness determination.

If no, why not?

2) We know that, too often, innocent people plead guilty to crimes they did not commit. One reason for this: they cannot afford bail amounts and would rather plead guilty than suffer pre-trial detention to fight the charges against them. What are the top three policies you would implement to change bail practices so that they do not force people to plead guilty to crimes they did not commit?

I am committed to upholding the Constitutional imperative that all defendants are innocent until proven guilty. Cash bail has been abused for far too long and has been used as a tool to keep non-dangerous people incarcerated pretrial. The three policies I would implement to ensure defendants are not forced to plead guilty to a crime they didn't commit are:

1. No cash bail unless absolutely no other alternative will suffice.
2. Priority given to cases where the defendant is being held. If a defendant is being held he should be tried promptly and coerced into pleading guilt
3. The decision to hold a dangerousness hearing must be approved by a supervisor.

PAROLE

1) The Massachusetts Parole Board has a reputation of granting relatively low rate of parole. The DA plays an important role in parole hearings, including in new juvenile life without parole cases now constitutionally required to go in front of the board, If elected, would you consider an individual review of cases coming in front of parole such that your office would only ask the parole board to deny parole in cases where remorse is clearly not shown?

Yes

JUVENILE JUSTICE

1) DAs have a major gatekeeper role in who enters and who is excluded from the justice system. Most DAs have diversion programs for young people, but there is no information available to show if these diversionary programs are offered fairly and do not contribute to racial and ethnic disparities. Will you commit to publicly releasing non-identifying prosecution and diversion data to address this gap in transparency?

Yes No

If no, why not?

2) Young adults, including those in their late teens, have the worst outcomes of any age group in the criminal justice system. What reforms do you support that would improve how young people are better situated to mature into more positive adults?

Diversion programs including programs for teens who have not been traditionally been diverted. Both Suffolk and Middlesex Counties have formal diversion programs that seek to pair juvenile offenders with the clinical services needed to prevent recidivism. Suffolk County's program, while not diverting offenders who commit more serious crimes, has expanded the universe of eligible offenders. It is open to more than the first-time low-level offenders who have traditionally been diverted. I feel it is important to intervene early with the most at-risk youth to steer them away from a life of crime. I think diversion programs should be expanded to older teens and young adults. My experience representing juveniles and as a parent has taught me that youth are very impressionable. If we tell our youth that they are criminals, they will believe us. I strongly advocate for programs that will empower our youth.

I will designate specific ADAs that are trained on the developing brain to prosecute cases against 19-24 year olds in District and Superior Court to look for ways to rehabilitate these young people.

Unlike the current Berkshire DA's office, I fully supported raising the age of juvenile responsibility from seven years old to 12 as enacted in the new criminal law reform bill. Children under 12 should not be prosecuted in the criminal justice system. Those offenders are better dealt with through the

CRA process which emphasizes the provision of social services.

I fully support restorative justice programs. I will encourage my ADAs to facilitate the use of these programs. Restorative justice programs are particularly appropriate for this younger age group.

MANDATORY MINIMUMS

1) An overwhelming number of cases are resolved by guilty plea, driving the rates of incarceration and racial disparities in sentencing. Too often, guilty pleas are leveraged through the threat of facing lengthy mandatory minimum sentences. If elected, will you reform this practice?

Yes No

If yes, how so?

I will have clear charging guidelines for my ADAs. ADAs should not automatically charge the most serious crime that the facts support. They should charge the crime that is appropriate to the circumstances.

If no, why not?

CRIMINAL LAW REFORM

1) As a member of the MDAA, will you advocate for the support of policies that will reduce mass incarceration and racial disparity in the criminal legal system?

Yes No

If no, why not?

2) Although some mandatory minimum offenses were repealed, new ones were created and others stayed on the books. Do you support the repeal of all mandatory minimum sentences for any drug offense?

Yes No

If no, why not?

3) The Commonwealth v. Brangan decision and the recent bill changing the bail

statute will hopefully reduce the number of people being detained pre-trial merely because they are too poor to afford bail. Despite these recent reforms, there are still significant numbers of people held on cash bail. Do you support ending cash bail?

Yes No

If no, why not?