



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.

I believe the District Attorney should have extensive experience in the courtroom actually trying cases. I have a proven track record of over 22 years as a trial attorney, including over 200 cases to juries in Massachusetts and Federal Courts. Since 2013, I have been zealously defending the rights of the accused as a criminal defense attorney. Prior to that, I served as an Assistant District Attorney for over 16 years in Worcester, Suffolk, and Hampden counties. My experience is unique where I have been both a prosecutor and a criminal defense attorney. This has provided me with a better understanding of the impact of the criminal justice system on people.

Throughout my career as a trial attorney, I have prosecuted and defended thousands of cases including murder, drug trafficking, robbery, illegal firearm possession, economic crimes and motor vehicle homicide. I believe that my wide ranging experience as both prosecutor and defense attorney make me the best candidate to implement positive change and reform the role of district attorney.

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

My experience with the current district attorney's office:

- a. Too many folks are being held on bail and incarcerated who have minor criminal histories and are charged with matters not reasonably considered a threat to public safety
- b. Too many folks are being held on bail and incarcerated who are struggling with drug addiction and/or mental health issues and are not a threat to public safety.
- c. There is a lack of transparency with the current District Attorney
- d. There is a lack of honesty by the incumbent District Attorney, not to be confused with his staff.
- e. The incumbent DA has been found by two independent investigations to have given special treatment to someone "connected" to his office (widely known as the "Alli Bibaud case").
- f. The incumbent DA has been referred to the State Ethics Commission for possible ethical violations surrounding the manner in which he personally handled the prosecution of a woman who formerly worked for his office. (The Alli Bibaud case).
- g. The recently reviewed actions of the incumbent DA has fostered a lack of public trust in him and his office.
- h. Lack of law enforcement trust in the incumbent DA.
- i. Lack of direct communication between the incumbent DA and the general public.

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 will create an office that focuses resources on that small percentage of offenders who commit the majority of the serious crimes in Worcester County. Those who commit crimes of violence, illegally possess firearms, large scale drug dealers, and crimes that put the safety of the citizens at risk will be a priority. Additionally, repeat offenders who commit violent crimes against the citizens and law enforcement officers of Worcester County will be dealt with swiftly and aggressively and prison sentences will be recommended. I will also bring certain progressive reforms to the DAO, which I will implement on day one, including:

a. Sentencing guidelines. I shall formulate in-house sentencing guidelines as opposed to mandatory minimum sentences for most drug crimes.

b. Equate drug addiction to a medical problem. I shall treat drug addiction as a medical problem and not a criminal offense. I believe the solution to drug addiction is treatment, not incarceration. I shall emphasize Worcester County's current two drug courts, seek to increase the number of drug courts, and increase opportunities for diversion for those arrested for drug possession or minor offenses due to drug addiction.

c. Reduce exposure to the criminal justice system. Cases will be assessed and mitigating circumstances, such as drug addiction and mental illness, will be considered in charging decisions. For those cases where mitigating circumstances are found, alternatives to incarceration will be considered.

d. Alternatives to incarceration. For those charged with minor offenses, folks with little to no criminal record, drug users, those with a mental illness, those who clearly do not pose a risk to public safety, will be dealt with via alternatives to jail, such as: education, mental health treatment, substance abuse treatment and community investment in the neighborhoods.

e. Data-driven decision making. I shall institute a data-driven decision making process in the DAO. I will collect data to help decide which cases to prosecute, whether bail is appropriate, and use the data to recommend consistent sentence recommendations. More importantly, our prosecutors will be trained to make data-driven decisions. I want the District Attorney's Office to be evaluated in terms of that data as opposed to convictions, headlines, trial wins, lengthy sentences and bail detention.

f. Cash bail system. I will immediately address the cash bail system, which currently results in too many low income people charged with minor crimes held on bail. I do not believe that these folks should be held on

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 want to treat drug addiction as a medical problem and not a criminal offense. I believe the solution to drug addiction is treatment, not incarceration. As DA, I would hire a social worker to assist in setting up drug treatment, along with working with the probation department. I want to build up Worcester County's drug court capacity and increase opportunities for diversion for those arrested for drug possession or minor offenses due to drug addiction.

.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?

For those charged with matters that do not put the public's safety in jeopardy, I shall utilize alternatives to jail, such as mental health treatment. As DA, I would hire a social worker to assist in setting up evaluations and placements, along with working with the probation department. I would also use my position to lobby the state and Federal government for additional funds for these services.

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 would educate the public on this issue through community listening sessions and a citizens advisory board. I would schedule regular community listening sessions, where citizens, myself and senior members of the DAO would be available to answer questions and address concerns. This includes educating the public on our philosophy regarding who needs to be incarcerated and those who do not.

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.

Prosecutors and law enforcement officers are human and may have biases that they don't even realize they have and often they don't understand that minorities and economically challenged folks face hurdles and challenges that others do not. I would arrange for training and education for prosecutors to recognize these issues and deal with them. I have personally attended such training and found it to be eye opening.

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 believe the Worcester DAO is significantly underrepresented. I would actively seek out and recruit at law schools, job fairs, etc. qualified minority applicants. I would also reach out to the minority communities that we are seeking applicants and assure them that the culture of the DAO is changing for the better!

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

Data will be kept and data-driven decisions must be made.

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?

I want data-driven decisions in the district attorney's office. I will specifically hire or designate an employee or employees to collect data. As I stated, I want to use data to help decide which cases to prosecute, whether bail is appropriate, and use the data to recommend consistent sentence recommendations. I want prosecutors to be trained to make data-driven decisions. I want the District Attorney's Office to be evaluated in terms of that data as opposed to convictions, trial wins, lengthy sentences and bail detention.

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

To properly evaluate our office, the public must be made aware of the data – not just conviction rates, which are not indicative of how well or poorly a DAO is operating.

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

The forfeiture of civil assets should be a matter of public record.

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 would establish a working relationship with the police "internal affairs offices" for all departments. For any alleged misconduct, I would bring in a special prosecutor from another DAO to handle the matter.

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?

I would begin with training ADA's on proper discovery and the ethical obligations of prosecutors. This would be a change in culture. I would have an "open file" discovery policy, whereby ADA's must disclose their entire file to defense counsel. Any officer who is determined to have been untruthful etc. on a prior matter would be disclosed to all defense counsel and any new matters with that officer would be reviewed for possible nolle prosequi.

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

Please see my answer to No. 6 above. I also support the creation of a citizen's advisory board.

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.

AdCare Hospital (inpatient and outpatient treatment for substance abuse), Spectrum Health Systems Inpatient/Outpatient drug treatment), Crozier House (sober house/drug treatment), Community Healthlink (substance abuse treatment/mental health treatment), Salvation Army (residential program/drug treatment), Hector Reyes House (residential living/substance abuse treatment/mental health treatment- AA/NA meetings (I have the list with various locations in Worcester County), Clean Slate (substance abuse treatment)

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.

Island Counselling (psychological counselling services), Community Healthlink (psychological counselling),

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?

Formerly incarcerated persons and those with drug addiction, who are in treatment, often are the most qualified persons to advise those persons in similar situations. As DA, I would prioritize using such persons to counsel others. I would create presentations with such folks that would speak at schools, and other events.

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?

As stated above, for those charged with matters that do not jeopardize public safety, I want to keep those persons out of the criminal justice system and use alternatives including pre-trial diversion, pre-trial probation, and the like. I do not feel that deportation is appropriate for such minor matters and would begin this policy on day one of my administration.

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

I see no reason why such information would not be disclosed, as long as it doesn't compromise a specific on-going investigation or public safety.

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

I am a firm believer in the Fourth Amendment and the limitations of the Government to search private property.

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

As long as there is an exception for getting this information expeditiously for appropriate reasons, such as the imminent risk to public safety.

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

I believe that gang activity is equivalent to organized crime and often is behind much of the violent and drug crimes that plague Worcester County. If probable cause exists that identified members of a particular gang are involved in a drug dealing organization, then I support seeking warrants for electronic surveillance to stem that activity.

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?

Dangerousness hearings which result in a minimum of at least 3 days of detention for a person, presumed innocent, are a significant deprivation of liberty. I would abolish the current "policy" I have experienced in Worcester County of the DAO seeking such a hearing for every gun case and numerous other matters. My policy would be - BEFORE an ADA files a motion for such hearing, it must be reviewed by a supervisor, and possibly myself. I would also employ education and training of the ADA's to limit this request to only those cases where there is an imminent danger to the

public AND the ADA believes there are no less restrictive conditions that will ensure the public's safety.

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 would only request bail on selective cases where there is a real likelihood of incarceration and I would focus the majority if not all bail requests on felonies. For the majority of cases which come into the district court (which do not fit into either category) I would use pre-trial conditions if personal recognizance wasn't a reasonable option.

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. I believe that parole is an excellent incentive for folks to better themselves in prison. I support a case-by-case review as opposed to opposing parole as a "policy". Only for specific and articulable facts, which would be the exception, would I support recommending denial of parole.

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?

I supported the criminal justice reform bill which originally included a provision to raise the jurisdiction of the juvenile court to age 18. I believe that the juvenile court is best suited to handle juveniles who are certainly in a very different developmental stage (mentally) than adults. I support probation over incarceration for juveniles and sealing records for juveniles.

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?

As stated above, I support the application of sentencing guidelines as opposed to mandatory minimum sentences for most drug crimes. Sentencing guidelines take into account an individual's prior criminal history and the nature of the offense, which is often sufficient for formulating a sentence recommendation. Furthermore, I would adopt a form of the Federal Safety Valve statute, which exempts individuals from mandatory minimums for such things as no prior record. I believe that mandatory minimums should only be applied to the selective few cases where individuals have lengthy criminal records and pose a threat to public safety. Otherwise, I believe that judges, not prosecutors should sentence folks charged with crimes (and mandatory minimums eviscerate that process).

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

As stated above, I want to reduce the number of folks caught up in the criminal justice system and those incarcerated.

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 mini-

mum sentences for any drug offense?

Yes No

If no, why not?

No. As stated above, I believe that under the appropriate limited circumstances, mandatory minimums for drug offenses are warranted. I believe that mandatory minimums should only be applied to the selective few cases where individuals have lengthy criminal records and pose a threat to public safety. Otherwise, I believe that judges, not prosecutors, should sentence folks charged with crimes (and mandatory minimums eviscerate that process).

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?

However, I believe cash bail should only be requested for cases where the likelihood of incarceration is reasonably articulable AND I believe the amount set should be an amount that the individual has a reasonable possibility of posting. (This is similar to the Federal System, where if the Government is not moving to detain, and they want bail, the amount set is an amount the individual can certainly post).