



What A Difference a DA Makes 2018 Massachusetts District Attorney Candidate Questionnaire

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.

We look forward to sharing your responses with the voters of your district and the Commonwealth.

Please Send Completed Survey To:

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Candidate Name:

Campaign Manager/Contact:

Phone:

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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?

6) Public safety has historically relied on outdated language and “tough-on-crime” policies.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?

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.

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?

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?

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?
- 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?
- 3) **[For Suffolk and Middlesex candidates only]:** 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?

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.

1.

2.

3.

4.

5.

- 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.

1.

2.

3.

4.

5.

- 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?

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?

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 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?

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?

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?

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?

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?

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