



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.

## **Candidate Name: Joe Early**

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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.**

In addition to serving as Worcester County District Attorney since 2008, I previously worked in private practice as defense attorney for 17 years, specializing in criminal and civil litigation. I also served as a prosecutor in the Hampden County District Attorney's office for three years and in the trial division of the Attorney General's office for two years. I am a graduate of the University of Massachusetts at Amherst and Georgetown University Law Center. I believe this wide range of legal experience prior to my election as Worcester County District Attorney, along with the great progress and many accomplishments our office has achieved, illustrate my qualifications for re-election.

## **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 Worcester County DA's office has been highly effective, working with law enforcement and other community partners on several fronts. We have prioritized prosecution on violent and repeat offenders and providing support for victims and communities affected by crime. We have also created a compassionate approach for those struggling with addiction. We have created diversion programs while increasing access to treatment for individuals alleged to commit certain offenses. Another major strength of my office is the time and resources put into prevention and community outreach. We are striving to build on these successes.

We have prioritized hiring the best and the brightest assistant district attorneys to work in the Juvenile Court to provide guidance to young offenders and to work with them to identify and correct destructive behavior, so they will make the right choices in the future.

We have also developed a growing number of community outreach programs for students on important issues like cyberbullying, substance use disorder, operating under the influence, and dating violence. We have also developed community programs around drug and alcohol awareness, cyber safety, and financial literacy programs for juveniles and seniors.

I am also proud to have established the first nationally accredited child advocacy center in Worcester County, which will protect victims of sexual abuse by allowing them to only tell their story once.

## **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?**

My office has created several innovative approaches aimed at decreasing crime as well as reducing incarceration rates. These efforts include establishing the County's first adult diversion program, which allows those alleged to commit low level offenses to participate in an educational program

and community service in order to have their charges dismissed prior to arraignment - preventing them from obtaining a criminal record and the collateral consequences associated.

I work with district attorneys from around the Commonwealth and the country to develop and recommend best practices to reduce crime and reduce recidivism. I believe recidivism rates would drop if we are able to offer more holistic terms of probation and re-entry, like access to treatment and counseling.

**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?**

Our office makes every effort to help those with substance use disorder get into treatment. We have partnered with several police departments in the County to offer buyer diversion programs. We actively participate in drug courts and drug diversion programs at many of our county courts, recently expanding to include three more courts - Gardner, Fitchburg and Leominster. We also partnered with the Fitchburg Police Department for a grant to help those who have overdosed find treatment. We're trying to find ways to help those suffering from substance use disorder even before they end up in the criminal justice system.

I have created the Central Massachusetts Opioid Taskforce, which brings key stakeholders from law enforcement, the treatment and recovery community, educators, and more to come together and spread evidenced based best practices around the County. I have long advocated for reducing the stigma surrounding substance use disorder, treating this as a disease - and not a moral failing, expanded use of Medically Assisted Treatment with counseling, and by educating people on safe medication storage and disposal practices. We do this through continued participation in community forums across Worcester County to raise awareness.

I am working to improve services in our House of Corrections and prisons to ensure prisoners get the treatment they need and the tools they need, like housing availability, GED classes and job assistance, so they can make productive steps forward when they re-enter the community. It is my hope that we will be able to see a substance use disorder wing of the jail created in Worcester, similar to the first of its kind program in Essex County

**.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?**

As District Attorney, I have provided training for our ADA's and staff on mental health issues. Additionally, I have created a specialized unit to provide assistance in cases where mental health is a factor. I want to make sure that public safety is prioritized as we investigate these issues.

This issue is of particular importance to me, as I focused on mental health law in private practice for 17 years. I understand the many shortcomings in our system in this area and the special care such cases require.

**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 strongly support restorative justice, diversion, education, and treatment to increase public safety. I have sought to achieve this goal by implementing policies including the county’s first adult diversion programs, community outreach initiatives and programs to prevent crime before it occurs. I have also sought to change the public’s understanding of how to prevent crime by using public speaking opportunities to highlight the benefits of pre-arraignment diversion programs and the benefits one can experience if they are able to avoid a criminal record. I have directed my office to change the way people with substance use disorder are treated in the criminal justice system and in society in general.

I am a longtime believer that it is better to prevent a crime than to have to solve one. We’re consistently in schools with a variety of programs to try and educate kids to prevent them getting involved the criminal justice system. We started the first diversion program in the county when I came into office. Now those diversion programs cover more than just youth, they’ve been expanded to cover those suffering from substance use disorder and veterans. As the Department of Justice found, every dollar spent on prevention can save up to \$7 to \$10 in the criminal justice system.  
Racial Justice

## 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?**

District Attorneys’ offices play a vital role in ensuring just and equitable application of the law for all groups of people. My office takes this very seriously and we prosecute individuals based on the crime they commit, based on the standard of proof beyond a reasonable doubt. Race is not a factor in our decision to prosecute.

**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?**

We encourage people of all backgrounds, particularly those from minority communities, to participate in our internship program and learn about career opportunities in the District Attorney's Office. We reach out to high schools, colleges, and law schools across Massachusetts to share opportunities to join our office with all students interested in learning more about the law and participating in the justice system.

**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

We will provide any information required by law, taking our lead from the legislature  
**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?**

There are many new data requirement provisions listed in An Act Relative to Criminal Justice Reform which seek to standardize how data is collected throughout the criminal justice system. I believe these changes will increase the quality and availability of data related to the DA's office. We will provide any information required by law, taking our lead from the legislature.

**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?**

As with any party, findings of violations of criminal law must be investigated and prosecuted. The same standard applies to police officers as any other member of the community.

**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?**

We will continue to follow our rules of professional conduct and criminal procedure, as well as judicial decisions and orders. We never want an innocent person convicted for a crime they did not commit.

## 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?**

We strongly value community input into the work of the DA's office, and we are constantly engaging with community partners. However, I do not believe it is necessary to create a community advisory board to take in the viewpoints and expertise of community partners. I believe it is my obligation to meet with all members of the community.

**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. Friends of Worcester East Middle School
2. Boys and Girls Club of Fitchburg and Leominster

3. Mass Audubon Society
4. Yes We Care
5. You, INC.
6. PIPAL - parent advisory league
7. City of Worcester - youth and recreation, library.

**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. YWCA (day break / safe plan / BWI)
2. Pathways for Change
3. Jane Doe Foundation
4. CASA court appointed special advocates
5. Luk
6. You, INC.
7. New Hope

**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?**

A Formerly incarcerated people often play an important role in crime prevention serving as recovery coaches for substance use disorder, and through talking to at risk youth about educational opportunities and telling their story. They are the best people to convey the message to young people in particular to "Not making same mistakes."

## 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?**

The Worcester County District Attorney's Office does not take federal civil immigration status into account when deciding whether to prosecute or deciding on eligibility for a diversion program.

## 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

We comply with Massachusetts law and report wiretaps to the legislature and follow all appropriate laws and guidelines associated with reporting requirements.

**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

We take the privacy of both defendants and victims of crime very seriously. However, I do not want to comment on future legislation without taking the time to evaluate the details.

**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

We take the privacy of both defendants and victims of crime very seriously. However, I do not want to comment on future legislation without taking the time to evaluate the details.

**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 do believe that the Massachusetts wiretap statute needs to be updated, as suggested by the SJC decision (Tavares vs. Commonwealth). I do believe there are other specific types of crimes which could be addressed in this change, including crimes related to human trafficking.

**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?**

Yes. I am committed to ensuring our ADA's behavior is consistent with both the bail process as well as 58A dangerousness hearings.

**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?**

Our office does not impose cash bail amounts intended to force people to plead guilty to crimes they did not commit. Following the Commonwealth vs. Brangan decision, which was codified in An Act Relative to Criminal Justice Reform, our office understands that cash bail amounts should only be set to ensure the defendant will return to court.

## 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?**

These cases have to be addressed on a “case by case” basis. One’s ability to show remorse is an important consideration, but there are many others to consider as well including victims’ and family members’ rights and testimony from experts, such as mental health professionals.

## 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 support many reforms including increased diversion, restorative justice, and more access to treatment with counseling We know that this is a very important age group and that’s why I committed to putting my best and brightest ADAs in the juvenile court. We know this is the age where we can use discretion to support better outcomes for our young people. We have also expanded our diversion programs to include young adults, and not just 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?**

I have supported repealing mandatory minimum sentences for low level non-violent offenses, and I believe there can be more done to address this issue legislatively. My office, in good faith, prosecutes people for the crime of which they are accused.

**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

I was proud to work with leaders in the legislature with my fellow District Attorneys on An Act Relative to Criminal Justice Reform. I have publicly supported the final law, and believe it will increase public safety and increase equality and outcomes for our residents and communities. I will continue to work hard and advocate for policies aimed at creating a more just and equitable system.

**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?**

No. I believe that certain drug offenses do deserve a mandatory minimum sentence. Those who are proven to be trafficking deadly illicit substances like fentanyl and carfentanil should be incarcerated.

**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?**

I support the decision in Commonwealth v. Brangan and the changes in An Act Relative to Criminal Justice Reform. Regarding future changes, I support the creation of a special bail commission outlined in this same law. This commission will take in input from many key stakeholders, including members of the MDAA, and will provide recommendations to the legislature by 2019. I am looking forward to see the results of the commission's work.