



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 have devoted my entire legal career to the seeking justice in the criminal legal system. I have been criminal law trial attorney for 30 years. I was a prosecutor at Middlesex County for 5 years trying misdemeanors and felony cases in Lowell and Cambridge superior courts. Before being promoted to Cambridge Superior court, I was the supervisor of the Lowell Jury of Six overseeing all of the cases tried in that court as well as mentoring younger assistant district attorneys in their cases. In my last year at Middlesex County, I was assigned to the Child Abuse Unit for 1 year where I specialized exclusively in the prosecution of child abuse cases. There I saw the benefit of having a skilled team of professionals working together to successfully prosecute these sensitive and challenging cases.

During my time at Middlesex County, I served under two excellent DAs and experienced first-hand what a well-run district attorney's office looks and feels like. DA Harshbarger was a visionary who empowered his staff by believing in each of us and trusting that we would strive to do the right thing in each case. Because of his expressed confidence in each of us, we all rose to the occasion. DA Reilly had a more hands-on and pragmatic approach to running the office. From him, I learned just how much common sense and decency play in getting a just result in each case.

Since I left the Middlesex DA's office, I have been in private practice specializing in criminal defense for the last 25 years. I spent 5 years at a well-respected law firm in Boston where I was the primary criminal defense attorney trying cases in district, superior and federal courts in Eastern Massachusetts. Then, I returned home to Berkshire County where I have been in private practice specializing in criminal law.

I have tried virtually every kind of case against the current DA's office. I have seen how the rigid policies of that office have wreaked havoc on many people's lives unnecessarily. I have witnessed the fallout my clients' have experienced from Berkshire DA's unwillingness to compromise on cases that should be easily be worked out forcing them to trial with little regard for the impact that has on the defendant or the limited court resources.

I am a fierce advocate for my clients and I will be a fierce advocate for progressive crime reform in Berkshire County as DA. In 2006, I ran against the Berkshire DA on a progressive crime reform platform. Though my bid for DA was not successful, I won 38% of the vote and people remember it. Many who opposed crime reform back then have since told me that they now see that it is time for change and they know I will be an effective leader in the community in this regard.

In addition to my experience as a criminal trial attorney, I taught the Trial Methods class at Western New England School of Law as an Adjunct Professor for 6 years. I obtained my certification in mediation from Harvard's Insight Initiative and Negotiations Summer Program.

Finally, I successfully ran a multi-million-dollar business on budget while overseeing 70 plus employees for two years. I took on this responsibility when my friend and client became terminally ill with cancer and asked me to take over the management of her 5-star luxury hotel in Lenox, Blantyre, until it sold. Though I didn't realize it then, this experience further prepared me to be the next DA for Berkshire County. Many of the DA's responsibilities are managerial in nature and require a leader with that skill set to effectively move the DA's office forward.

Berkshire County need a true reform in its criminal legal system. To make this happen, the next DA

must have extensive criminal trial experience so that she can lead her prosecutors and appropriately evaluate and assign cases, managerial skills to run the office, and an in-depth understanding of the inner workings of the district and superior courts to effectively implement the progressive change we need. I am the only candidate that meets all of these qualifications.

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 Berkshire DA's office ("BDA") has been stuck in the dark ages for decades. When I returned home from Boston and began practicing criminal law in Berkshire County, I was struck by the deep divide between the policies of BDA's and the needs of the community. The old "lock 'em up" and throw away the key policy prevailed not just in superior court but in district court as well. The BDA's main focus is prosecuting drug crimes, and on too many occasions prioritizing them over violent crime and property crimes.

In drugs cases, wherever possible, BDA piles on the mandatory minimum charges simply because they can. Often times the resulting sentence is way out of proportion with the misconduct of the defendant but the judge is powerless to do anything about it. I have seen first-hand how the BDA's rigid stance on charging mandatory minimums has completely upended lives of the defendant and his/her family. This has been true even in cases where it is undisputed that the defendant at issue is suffering from addiction.

Berkshire County has had a terrible substance abuse and opioid crisis for years. Yet we were the last county in MA to get a drug court (in 2016) because of the BDA's refusal to cooperate with the drug court system.

The net result of the overall unyielding posture by the BDA is that cases that could be quickly resolved are instead clogging the court system for a year or more before the case gets tried. Not only does this unnecessarily tax the courts' resources, it deals a heavy blow to the defendants who are awaiting trial and have had to put their lives on hold until the case is resolved. The BDA has zero regard for the aforementioned two factors. This blatant disregard for judicial economy negatively impacts the whole community. Additionally, the BDA is woefully behind the times with regard to domestic violence cases and child abuse cases. There is no organized unit within the office to handle these challenging and complex cases. No sensitivity training has been provided by BDA to the prosecutors who are assigned these cases. This often results in more trauma to the victims as their case is passed from prosecutor to prosecutor without thought how this will impact the victim and other witnesses.

Lastly, there are no diversion program for defendants in adult court so virtually every case must go through the system. Getting a pre-trial probation disposition on a case is very rare.

All of the above approaches need to be transformed.

I am against mandatory minimums sentences for drug crimes.

I would create a Domestic Violence Unit and provide specialized training to all of my prosecutors so that they are better prepared to handle those cases.

I would create diversion programs for first-time non-violent offenders so that those individuals can earn their way to a second chance.

In cases where the offender is suffering from addiction or mental health issues, any sentencing recommendation for non-violent crimes would include appropriate treatment.

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 would introduce the following reform policies to decrease recidivism and incarceration:

- a) Bail: I would not request bail in misdemeanor cases unless there were exception circumstances. Even in those cases, I would make sure that bail request was an amount the accused could afford. Keeping defendants out of jail while their case is pending increases the odds that this person will continue to keep their life together, i.e., job, family, employment and/or education.
- b) Sentencing: In non-violent cases, even in superior court, I would find ways to create alternative sentences to jail time or prison time, i.e. restorative justice, community service, treatment which is monitored for compliance and other ways that would serve as a punishment and specifically address the defendant misconduct.
- c) Step-down housing while incarcerated: I would work with the jail (and the prison system) and the community to co-create a step-down program for inmates that they could participate in once they are ½ way through their sentence. In this program, I would reach out to employers who need workers to do the many low-level jobs in their businesses. If a match could be made with an inmate and an employer, that inmate would gain freedom by going to work outside the jail and then return at night where they would also be required to participate in life skills training. In my experience, a lot of the recidivism is due to a lack of alternatives for the inmate once he/she is released.
- d) Treatment: Re inmates suffering with addiction, I would build in to the defendant's sentence after care for a minimum of 1 year where treatment would be a condition of release so that they would have some basic support to create boundaries and make new healthier relationships making it less likely to fall back into their old ways.
- e) Restorative Justice: I can't think of a better way for a person to learn from their mistake is to hear directly from the victim(s) they harmed. For cases in which the victim is willing, I would a restorative justice program in place so that this process could take place in a professional setting through the DA's office.

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?

As referenced above, I would build in to the defendant's sentence after care for a minimum of 1 year where treatment (any combination of psychotherapy, NA, AA and/or medication) would be a condition of release to allow that person to learn to create boundaries and support to start a clean and sober life.

I would work with the Sheriff to make the Vivitrol shot (a once monthly medication that prevents people from ingesting opioids and alcohol) available just prior to his/her release. One reason many inmates die of an overdose upon release is due to the fact that their tolerance for opioids is much lower than it was before they were incarcerated

.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 starters, the DA can insist on having a specialty court for those people who are suffering from mental illness. This would allow people with mental illness to have their cases heard in front of a highly trained judge who would be sensitive to the issues of these kinds of cases. There would support staff in place to work together with the DA's office and court personnel to craft an appropriate resolution to the case which would necessarily include treatment.

The DA can strongly advise all police chiefs in her county to mandate police training on how to recognize and appropriately deal with people who are suffering from mental illness. Having an increased awareness on this topic for all law enforcement will increase the chances of getting people the treatment they need and possibly preventing a more serious crime in the future.

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 continue to do what I have been doing now in my campaign which explaining to anyone who will listen that sentencing a person to jail for sole purpose of punishing them does little or nothing to change that person's behavior. Whereas, creating an alternative sentence that is designed to address the cause of the individual's misconduct, whether it involves making the victim whole (restorative justice), requiring treatment for addiction issues or mandating relevant education to raise the defendant's awareness of the wrongness his/her missteps are all better ways to transform that individual and reduce the likelihood that he/she will re-offend. This is how we can reduce crime and increase public safety, one person at time.

Additionally, if the person is a first-time and non-violent offender, my general approach would be to divert that case out of court system and give that defendant an opportunity to earn their way back to a clean record. They would still have to meet the all of the conditions of pre-trial probation appropriate to their crime but giving a defendant a chance to avoid a criminal record increases the odds that the defendant to move forward in their life, i.e., keep or obtain employment, stay in school, maintain the positive relationships in their lives. This will also reduce crime and lift the community up.

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

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No

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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.

I would require the implicit bias training for all employees at the DA's office. I would create a data base of all criminal cases which would include: the accused's name, gender, race, age, the DA's bail request, the charges brought and the outcome of each case. I would make that database available to the public.

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 would commit to hiring people of color as my prosecutors and staff to reflect the diversity in Berkshire County's population.

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

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No

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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 would create a data base of all criminal cases which would include: the accused's name, gender, race, age, the DA's bail request, the charges brought and the outcome of each case. I would make that database available to the public.

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?

My DA's office would proceed with a thorough investigation of any police misconduct that rises to the level of a crime. If it is determined that the police officer has committed a crime, he/she would be prosecuted by my office. If I felt that there was a need for a review of the investigation by another law enforcement agency before making a final determination on how to proceed to ensure public confidence in the outcome of the investigation. in the right decision regarding prosecution of the case was being made.

As a preventative measure, I would check in regularly with the chiefs of police. I would have an open-door policy for all police officers to discuss any troubling observations or issues they perceive of their fellow officers and that would be kept confidential unless the reporting officer felt otherwise.

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 make certain that each police department had proper training and a written policy to follow regarding documenting and securing all evidence. I would require my prosecutors to be thoroughly trained in the importance of turning over all evidence. Any prosecutor caught withholding exculpatory evidence would be fired immediately.

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

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No

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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.

The Brien Center (Treatment for addiction);
Railroad Street Youth Project,
Roots Teens Center in North Adams
ROCA,
North Berkshire Community Coalition

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.

Elizabeth Freeman Center
Berkshire Center for Justice
Shout Out Loud
Berkshire Center for Youth and Families
Habitat for Humanity

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?

I have learned a tremendous amount from my clients who have made it through the system. I would definitely use those who have come out of the other side of the criminal justice system as a resource to help me better understand what works and what doesn't in crime reform.

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 would convert any crime charged with into a civil infraction whenever possible. For those crimes that could not be converted into a civil infraction, I would weigh the public need to prosecute the crime alleged vs. the likely impact the prosecution would have on the illegal immigrant's ability to remain in the country before proceeding.

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 ☐

With regard to electronic surveillance, I would disclose the types of investigation and legal demands sought by my DA's office.

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?

I will commit to ensuring that my prosecutors will not misuse the dangerousness statute to seek bail or incarceration where it is not warranted by the facts.

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 not ask for bail on misdemeanor cases. I would make sure my prosecutors respected the Speedy Trial law. I would empower my prosecutors to reduce the charges if they felt that the facts and circumstances warranted it.

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

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No

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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 fully support any programs that increase the chances of having our young people mature into positive adults. As DA, I would implement diversion programs for all first-time non-violent youthful offenders to allow them a chance to keep their record clean. If the individual was under 25 but not a first-time offender, I would make his/her age a factor that must be considered in the prosecution of the case and any sentencing recommendation with treatment and/or education of that person being the ultimate goal. I would collaborate with the community to co-create a mentoring program for youthful offenders and have those mentors be available to the youth during or after the case has resolved.

Recommending jailtime for a young person (under 25) for the sole purpose of punishing them

would be the last resort as it does little or nothing to change that person's behavior. Whereas, creating an alternative sentence that is designed to address the cause of the defendant's misconduct, whether it involves making the victim whole, engaging in appropriate treatment and/or education are all ways to transform that individual's behavior.

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 am against mandatory minimums.

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

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No

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If no, why not?