



Youth Justice Berkshire County 2022 Voter Guide

YOUTH VOTE MATTERS

- Vision for a More Just and Equitable Legal System
- Key Youth Issues Impacted by the Elections
- Your Voting Rights

LEGAL SYSTEM OFFICES AND CANDIDATES

- District Attorney
- Governor's Council
- Sheriff
- Auditor
- Attorney General
- Governor

WELCOME LETTER

Each year, thousands of young people in Massachusetts come in contact with the juvenile justice system. These young people are disproportionately children of color, children from the child welfare system, children coming from areas of concentrated poverty, and LGBTQ children. For the majority of these young people, interactions with the legal system are overwhelmingly negative, increase the risk of poor outcomes and may even increase future legal system involvement. Progress in reforming our legal system into one that is fair and works to create positive outcomes for all system-involved youth, creating stronger and safer communities for everyone, depends on the actions of elected officials who support or oppose these reforms. These elected officials deeply shape how our society treats young people. With youth accounting for half of the voting population, your vote can decide the state's policies and political influence over the next four to six years.

This nonpartisan voter guide is intended to ensure that you, as a voter, know your rights and are informed in your decisions. This guide compiles the responses to a detailed questionnaire of youth justice issues especially relevant to Massachusetts voters for candidates running for District Attorney, Sheriff, and Governor's Councilors. All candidates' responses are published here unedited. A supplemental guide will include the responses of three statewide offices: State Auditor, Attorney General and Governor.



This voter guide is intended for educational purposes. The above not-for-profit, non-partisan organizations do not endorse any candidates or political parties for public office. Candidates (last name) and political parties are listed in alphabetical order. Only candidates receiving enough signatures to appear on the Primary or General Election ballot were invited to participate in this voter guide.

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A VISION FOR A MORE JUST AND EQUITABLE LEGAL SYSTEM

While this guide focuses on key decision points in our child welfare, education and legal systems, it is important to recognize that the policies and practices set by elected and appointed officials at these decision points all add up towards achieving a vision of “justice.” This guide is driven by shared values of the organizations partnering in the development of this guide with a vision of a youth justice system that:

- is fair and equitable in holding young people accountable in a way that helps them get back on the right track
- focuses on advancing community and public safety as a primary goal as opposed to a punishment-centered response
- dismantles the legal system's legacy of institutional racism that is built on slavery, Jim Crow laws, and [ongoing barriers](#) to being a full member of society.
- centers rehabilitation and positive youth development in both the youth and adult legal systems
- minimizes the use of the legal system to achieve this vision, and values prevention over punishment

Equity and Inclusion

The advancement of youth of all races, ethnicities, sexual orientations, gender identities, or disabilities is foundational to achieving equity in our Commonwealth. Youth-serving agencies in Massachusetts need to address inequities both internally and in their policies and provision of services. These agencies – specializing in child welfare, education, policing and juvenile justice – express a commitment to the principles of diversity and racial equity. Despite this, there are documented disparities impacting young people at nearly **every** stage where decisions are made about youth in these systems. Addressing these disparities isn't always easy, but there are numerous proven strategies to help reduce or even eliminate them. Addressing the school-to-prison pipeline; supporting families so that children can remain home; reducing pre-trial detention; investing in community-based supports; improving race and ethnicity data collection and analysis are all potential steps that agencies and elected officials can take to address racial bias and inequity in our youth-serving agencies.

Positive Youth Development

The adoption of [Positive Youth Development](#) by all youth serving agencies and elected/appointed officials is key to advancing youth justice in the Commonwealth. Positive Youth Development is a framework to improve public safety and child outcomes by focusing on providing developmentally appropriate supports and interventions to help young people transition positively into adulthood. For youth involved in state systems, research demonstrates that young people need interventions that:

- are developmentally appropriate, based on age and level of ability;
- require youth to develop positive decision-making and concrete skills, further their education (including vocational) and engage with their families and other positive adult role models are far more likely to result in better youth outcomes and reduce youth interactions with the legal system;
- engage youth in effective, developmentally-appropriate therapy or treatment when necessary;
- avoid the use of institutional placements or incarceration unless necessary for public safety; and
- avoid exposing youth to the adult criminal legal system



Graphic courtesy of [D.C. Department of Youth Rehabilitation Services](#)

THE KEY ISSUES

Child Welfare to Prison Pipeline

Children involved in the [child welfare system](#) are more likely to become juvenile justice-involved. They are entering the juvenile justice system at a higher rate than children not involved, and that minority children are disproportionately represented in both the child welfare and juvenile justice systems, particularly those who are:

- Removed from their homes in their early teens (ages 12-15)
- Removed multiple times from their homes
- Placed in congregate/group residential care
- Experience high rates of placement instability (bouncing from placement to placement)

Foster youth are too often not afforded the kinds of stabilizing support systems that are essential for their healthy growth and well-being. This puts them at high risk of developing reactive behaviors that, particularly for youth of color, lead to punitive responses resulting in their arrest and entry into the juvenile justice system. Involvement in the juvenile justice system is tied to academic failure, future arrests and other long-term consequences. In a [study](#) of 262 individuals incarcerated in House of Corrections facilities in Massachusetts, responses showed that nearly one-third of survey participants were removed from their homes as children, with higher rates among Latinx and Black participants. That study also found significant differences in home removal rates between heterosexual respondents and LGBTQ respondents. 37% of LGBTQ respondents had experienced a home removal, while only 25% of heterosexual respondents reported a home removal.



Racial Inequities in the Juvenile and Criminal Legal Systems



Massachusetts has one of the worst racial disparities for youth incarceration in the country despite more than a decade of reforms. While youth of color make up only 26% of the youth population in Massachusetts, they represent 73% of those arrested and 72%-74% of those who are detained or committed to the Department of Youth Services (DYS). Nationally, LGBTQ youth are twice as likely to [enter the juvenile system](#) as their non-LGBTQ peers and LGBTQ youth of color face even [starker disparities](#) comprising a staggering estimated 85% of LGBTQ youth in the justice system. Transgender individuals are nearly twice as likely to have been incarcerated as other LGBQ people, with transgender people of color reporting a rate of [past incarceration](#) four times higher than other LGBQ people.

These disparities cannot be adequately explained by differences in youth behavior; instead, inequities stem from different policing and court processing practices in communities of color. Massachusetts currently fails to report crucial data at most of the significant decision points in the juvenile justice system by race, ethnicity, gender identity and sexual orientation. As a result, we know that Black, Latinx and LGBTQ youth are incarcerated at higher rates, but we lack any transparency into data on the decision points from arrest to

incarceration. By using data – rather than hiding it – system leaders could see disparities where they occur and identify and evaluate policies or practices that drive youth deeper into the system.

Shrinking the School-to-Prison Pipeline

The “school-to-prison pipeline” refers to school discipline and policing practices and policies that drive students out of the classroom, away from a pathway to success, and towards or into the juvenile or criminal legal system.

- The first pipeline involves frequent suspensions and expulsions that remove students from their classrooms and disconnect them from their school community, increasing their risk of legal system involvement and dropping out of school. Once outside of school, these students are more than twice as likely to be arrested during periods when they are suspended or expelled from school.
- The second pipeline involves arrest in school for behaviors better resolved through alternative approaches. Students are arrested and sent into the system for levels of disruptive behavior that in many cases could be handled through restorative or therapeutic approaches, leading to system involvement rather than addressing the underlying needs of that behavior.



The School-to-Prison Pipeline Disproportionately Impacts Black, Latinx and LGBTQ Youth.

According to a [study](#) of school-based arrests in Massachusetts’ three largest school districts, most arrests of students are reflective of youthful misbehavior, and predominantly not public safety risks. Additionally, the study found that Black and Latino children and children with disabilities are more likely to be arrested for behavior for which their white peers and non-disabled peers would not be arrested. LGBTQ youth, particularly transgender youth and youth of color, report experiencing high rates of abuse and harassment; are especially likely to face risk factors such as truancy out of fear of attending school, being involved in bullying and fight;, and experiencing homelessness, all of which are drivers of justice systems involvement. While Massachusetts data is not available, national data reveals that LGBTQ students are disproportionately suspended and expelled in comparison to their heterosexual and cisgender peers. This disparity is particularly true for LGBTQ youth of color who face higher rates of police involvement in middle and high school and higher rates of suspension and expulsion from school.

Raise the Age of Juvenile Jurisdiction Past Age 18



Massachusetts taxpayers spend the most on young people in the adult legal system, with the worst outcomes of any age group. Adolescents are highly amenable to rehabilitation as they grow and mature. However, older teens in Massachusetts are prosecuted as adults – and subject to the adult system’s focus on punishment and more severe collateral consequences. As a result, older teens have the highest recidivism rate of any age group, and double the rate for similarly situated younger teens in the juvenile system. The proposal to [raise the age](#) of juvenile jurisdiction past the 18th birthday would shift older teens into the juvenile justice system, where they must attend school and participate in rehabilitative programming that will improve youth outcomes and lower recidivism.

Expanding Expungement Eligibility

There is overwhelming evidence of racial disparities against Black individuals at every stage of the legal system – from policing and profiling, court proceedings to sentencing, and every stage in between. A record can present unjust, lifelong barriers for housing, employment, and education and it’s our goal to make sure that as many people as possible have an opportunity for a clean slate. Over the past four year, Massachusetts passed legislation that created an opportunity to [expunge](#) juvenile and adult criminal records for people whose offense was charged prior to their 21st birthday. While this law is a tremendous step forward, the law created significant limitations: there is lifetime ban on expungement eligibility of these records if the person has more than two cases on their record or if they have even one of over 160 offenses on their record (regardless of case outcome). Expanding expungement eligibility allows (1) all non-convictions to be eligible for expungement; and (2) limits the list of offenses ineligible for expungement to only those resulting in serious bodily harm.



Learn more about the issues at cfjj.org/the-issues.

ELECTED OFFICIALS AND THEIR DECISION-MAKING POWER AT KEY LEGAL SYSTEM POINTS



District Attorney

- Decide whether or not to press charges
- Can recommend probation or incarceration pre-trial and during sentencing
- Refer to diversion
- Can object to expungement



Sheriff

- Hold defendants 18 years and older awaiting trial
- Operate county jails where individuals 18 and older are sentenced to incarceration
- Decide programming and conditions in county jails.



Governor's Council

Councillors approve or reject the Governor's nominations of Judges and Parole Board



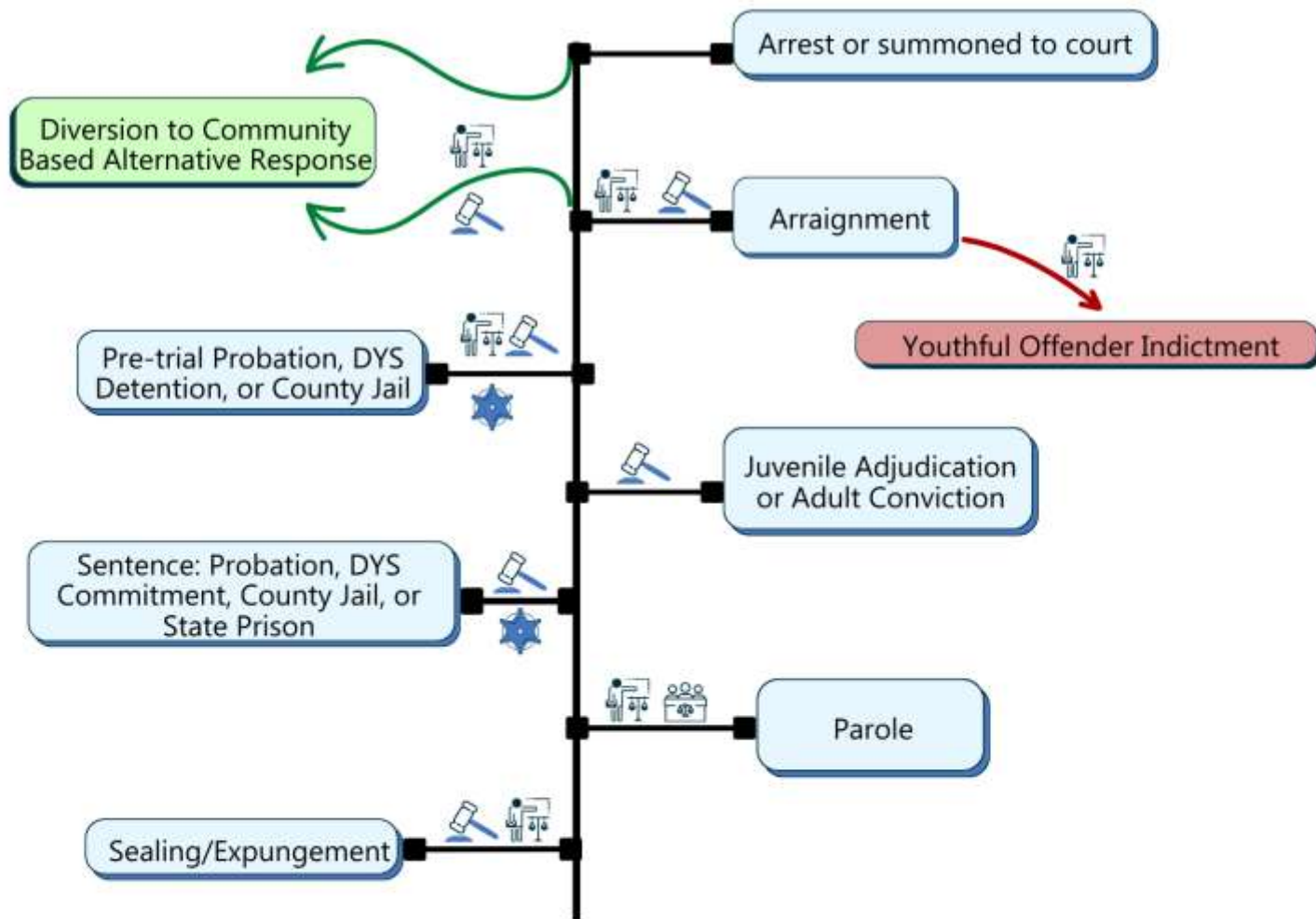
**Judges
(appointed)**

- Refer to diversion
- Can order pre-trial detention
- Decide guilt of a defendant who waives a jury trial
- Responsible for sentencing decisions



**Parole Board
(appointed)**

- Grant or deny parole requests
- Set conditions that parolees must comply with or risk re-incarceration



Each of these decisions result in social outcomes for individuals and communities.



HOW TO USE THE GUIDE

All candidates were presented with a series of yes/no and narrative questions. Questions were specifically tailored for the position candidates are running for (District Attorney, Governor's Council and Sheriff). All candidates running for the same office in their respective county or district were given the same questions and same criteria to respond.

Responses to YES/NO Questions



**CANDIDATE
ANSWERED "YES"**



**CANDIDATE
ANSWERED "NO"**



**CANDIDATE
DECLINED TO
ANSWER**

Narrative Questions: Candidates were asked to keep their answers the narrative/short answer questions to 200 words or less, and their answers are published unedited in the format below.



Candidate 1

Candidate's answer



Candidate 2

Candidate's answer



Candidate 3

Candidate's answer

DISTRICT ATTORNEY

Role of District Attorney

District attorneys are among the most powerful figures in the criminal legal system, as their decisions have a direct impact on case outcomes, mass incarceration, and recidivism rates. Elected to represent the state in criminal and juvenile delinquency proceedings, District Attorneys have the opportunity to be a force for change and reform in the legal system or they can uphold the status quo. Each county has one elected District Attorney, and while each of their jobs is the same, each office can prioritize issues they want to focus on.

- The District Attorney (DA) decides whether or not to prosecute a case (i.e., move a case into and through the formal court process). For example, one DA's office can refer a case to court, another DA's office can decide that certain minor offenses should not be prosecuted and a person will be diverted from court processing to a community-based alternative (known as "diversion", while still another DA's office can heavily rely on detaining young people while their case is pending trial.
- The DA always makes a recommendation to the judge as to what sentence a youth should get if they are found to have committed a delinquent act. This sentence could be a fine, probation, and/or incarceration.
- The DA may ensure the procedural integrity of law enforcement interactions with, and investigations of, young people by their decision to accept or reject evidence based on false or coerced confessions, illegal searches and seizures or through the use of force or other misconduct by law enforcement.

Berkshire County District Attorney Candidates



Andrea Harrington
(Democrat)



Timothy Shugrue
(Democrat)

Racial, Ethnic and Other Disparities

District Attorneys have a major gatekeeping role in who enters and who is excluded from the legal system. Most DAs have diversion programs for young people, but there is no information publicly available to show if these diversionary programs are offered fairly so they don't exacerbate racial, ethnic, and other disparities - including those impacting LGBTQ young people and youth living with disabilities - in the juvenile system. Safe, confidential data collection, including SOGIE (Sexual Orientation Gender Identity and Expression) data, is especially important.

- Would you commit to publicly releasing non-identifying diversion and prosecution data, including race/ethnicity, gender identity and expression, and sexual orientation of defendants in misdemeanor and felony charging decisions, adjudications and convictions and declinations to charge, to address this gap in transparency?



Andrea Harrington
(Democrat)



Timothy Shugrue
(Democrat)



- Do you commit to submitting this data to the state's Juvenile Justice Policy and Data Board?



Andrea Harrington
(Democrat)



Timothy Shugrue
(Democrat)



Diversion

Most District Attorneys divert young people charged with first-time offenses, or with low-level offenses. [Research](#) indicates that diversion is less costly to taxpayers and more effective in reducing youth crime than prosecution in court, even for youth with more serious offenses. Will

you commit to expanding formal diversion to community-based rehabilitation programs as an alternative to prosecution for youth beyond those with low level or first time offenses?



Andrea Harrington
(Democrat)



Timothy Shugrue
(Democrat)



Raise the Age

In 2013, Massachusetts raised the age of juvenile court to keep 17-year-olds out of the adult system, excluding murder cases. Since then, juvenile crime has declined by 64%, and has seen faster declines in violent and property crime rates than the national average. Young people ages 18 – 20 are highly amenable to rehabilitation, and keeping them in the juvenile system, where they must attend school and participate in rehabilitative programming will lower recidivism. Would you commit to supporting gradually raising the age of juvenile jurisdiction to include 18-, 19-, and 20-year-olds in order to ensure more young people mature as responsible and productive adults in our communities? If not for all of those ages, what age would you agree to support as the upper threshold of the juvenile system?



Andrea Harrington
(Democrat)



Timothy Shugrue
(Democrat)



Law Enforcement Interrogations

Would you support legislation that would make the presence of an attorney during an interrogation a non-waivable right for juveniles?



Andrea Harrington
(Democrat)



Timothy Shugrue
(Democrat)



Prosecution of consensual teen sexual activity

Massachusetts remains one of only 4 states in the country that criminalizes teenagers engaging in consensual sexual activity, subjecting teenagers to prosecution, incarceration, being placed on a sex offender registry and a lifetime ban on having their record ever expunged. The law is disproportionately used against boys, even if both youth are under age, and especially against boys in same sex relationships. Do you commit to declining to prosecute or diverting youth whose relationship is consensual?



Andrea Harrington
(Democrat)



Timothy Shugrue
(Democrat)



Law Enforcement Interrogations

The legal cases, *Frazier v. Cupp* and *Commonwealth v. DiGiambattista* permits the use of deceit during interrogations of juveniles. Legislation overturning this has been enacted by [Oregon](#), [Illinois](#), and is currently moving in [Colorado](#) and [Maryland](#). If legislation that bans the use of deception in juvenile interrogations and mandates the presence of counsel during any juvenile interrogation is not passed in Massachusetts, will you commit to a rebuttable presumption that your office will not move to introduce into evidence any statements obtained through false or deceptive interrogation practices?



Andrea Harrington
(Democrat)



Timothy Shugrue
(Democrat)



Racial Disparities

The [Harvard Law School](#) analysis of racial disparities in Massachusetts' criminal legal system found that "One factor—racial and ethnic differences in the type and severity of initial charge—accounts for over 70 percent of the disparities in sentence length" for adults. While the study did not look at Juvenile Court data, these disparities hold true for young people too. What steps will you take to address racial disparities in charging decisions, bail recommendations, diversionary program placements and plea negotiations?



Andrea Harrington
(Democrat)

It is the responsibility of district attorneys to address the scourge of racial disparities in the criminal legal system. I have done this by leading by example. My office has partnered with CPCS to offer training from Kristin Henning of Georgetown Law School to prosecutors and defense attorneys on identifying racist coded language, checking subconscious bias, and understanding the how trauma response impacts BIPOC people when interacting with law enforcement. We have partnered with the Wilson Center at Duke University on a ground breaking plea tracker study to inform our approach to pleas. We do not double down on a failed system by relying on low level, non-violent offenses as a reason to seek more punitive outcomes.



Timothy Shugrue
(Democrat)



Equity and Inclusion

For youth, their race, ethnicity, gender identity, sexual orientation, and experiences as people with disabilities form important aspects of their identities. How would you make certain that your office will utilize an intersectional lens, taking into account young people's identities and experiences to develop and change your office's policies and practices that are gender-affirming, grounded in [positive youth development](#) and trauma-informed in order to meet the needs of all youth?



Andrea Harrington
(Democrat)

It is critical that law enforcement offices reflect the communities that we serve. I am proud that the racial composition of BDAO staff has higher diversity ratios than the Berkshire Community and we have staff members with a diverse array of gender identities and sexual orientations. We revamped our danger assessments with questions tailored to people in LGBTQIA relationships. My office sets the standard for gender-affirming care throughout the court system by ensuring that the identities of court-involved individuals are upheld and respected. The Berkshire Youth Advisory Board receives inclusivity training from the ADL World of Difference Campaign and are mentors for local 8th graders transitioning to high school at our annual STRIVE conference. I joined 92 other prosecutors and law enforcement officials from across the country in condemning the state of Texas for prosecuting parents seeking gender-affirming care for their transgender children.



Timothy Shugrue
(Democrat)



School-to-Prison Pipeline

According to a [study](#) of school-based arrests in Massachusetts' three largest school districts, most arrests of students are reflective of youthful misbehavior, and predominantly not public safety risks. Additionally, the study found that Black and Latino children and children with disabilities are more likely to be arrested for behavior for which their white peers and non-disabled peers would not be arrested. [LGBTQ students](#) in Massachusetts report experiencing high rates of abuse and harassment. Nationally, LGBTQ students are disproportionately suspended and expelled in comparison to their heterosexual and cisgender peers. This disparity is particularly true for LGBTQ youth of color, as LGBTQ youth of color face higher rates of police involvement in middle and high school and higher rates of suspension and expulsion from school. How do you plan to utilize diversion or other tools at your disposal to prevent young people, especially vulnerable students with

unmet social-emotional, behavioral, and academic needs as well as students with disabilities, from entering into the school-to-prison pipeline?



Andrea Harrington
(Democrat)

It is the goal of my office to keep children who do not pose public safety risks requiring supervision beyond what can be offered by diversion. We have a robust diversion program that provides appropriate, evidence based programming and oversight for young people. Our goal is first and foremost for children to receive community based services for unmet needs which we do through diversion. We have a number of community based partners that offer evidence based programming. Each assessment is tailored to suit the needs of the individual child and family through a high quality, evidenced based assessment tool.



Timothy Shugrue
(Democrat)



Foster Care-to-Prison Pipeline

At any one point, **approximately 40% of youth in DYS detention and 30% of newly committed youth are concurrently DCF-involved. Girls in DYS are twice as likely as boys to be DCF-involved.** Massachusetts data has shown that over 70% of youth committed to DYS were either currently or previously DCF-involvement. Despite our responsibility to protect and support children in state custody, the DCF to DYS pathway persists, particularly for Black and Latino children and remains unaddressed. What prosecutorial decisions do you commit to pursue to disrupt the foster care to prison pipeline?



Andrea Harrington
(Democrat)

My office will not seek charges against children or ask that children be held in DYS unless they present a public safety risk. We will never request that a child be committed because DCF has no where else to send them. We favor diversion and community based services for all children. Our policies favoring rehabilitative programming for adults also positively impacts families as we have lowered incarceration rates for adults in favor of therapeutic treatment.



Timothy Shugrue
(Democrat)



Mental Health

Research has shown that as much as 70% of youth in juvenile detention are diagnosed with a mental health condition and/or trauma, and the levels of trauma exposure during the pandemic have risen considerably, how would your office approach this issue when interacting and making decisions about juveniles in court?



Andrea Harrington
(Democrat)

The levels of trauma for children are off the charts. My office always strives to provide children with community based services. We recognize that being involved in the court system and being committed exacerbate trauma. We request DYS commitment only as a last resort in serious, violent cases.



Timothy Shugrue
(Democrat)



Pre-Trial Conditions/E-Carceration

District Attorneys' recommendations about pretrial conditions are overwhelmingly adopted by judges. These conditions include whether an accused person should be detained by DYS or jailed pre-trial, or subjected to house arrest or other restrictions such as wearing an electronic monitor/ankle bracelet. Electronic monitoring as a condition of probation, both pretrial and post-disposition, is also increasing (though the data are not publicly available). [E-carceration](#) is sometimes seen as a lesser evil to incarceration, but it carries with it many concerns, including

logistical, mental health, surveillance, and can reflect and further (rather than address) racial disparities. Do you plan to limit this office's use of recommending electronic monitoring and otherwise mitigate the concerns that its use has for many youth? Please explain.



Andrea Harrington
(Democrat)

My office only requests electronic monitoring in cases where youth are have committed serious, violent offenses and present a public safety risk to the community.



Timothy Shugrue
(Democrat)



Record Expungement

The newly enacted criminal justice law creates some opportunities for the expungement of juvenile and criminal records created before the age of 21 (as long as their sentence is completed and they have not re-offended). This ensures that young people are afforded the opportunity to develop into healthy and successful adults without being held back by a prior record, particularly when those records do not serve a public safety benefit. [Research](#) has shown that individuals with a record who have not reoffended within three to four years are at no greater risk of offending than the general population. Yet these records can bar young people from housing, employment, college, and the military. The new law gives district attorneys the opportunity to object to a petition to expunge an otherwise eligible record. Do you support this expungement law? Under what circumstances would you object to expungement of records and why?



Andrea Harrington
(Democrat)

Having a criminal record negatively impacts an individual for their entire life and for a young person, that's a lengthy punishment. A criminal record seriously limits a young person's ability to receive an education and obtain employment and leads to generational poverty that has an even worse impact on Black and Brown families. My office seeks to limit young people from acquiring criminal records in the first place through diversion. We have only ever not supported one expungement request because it was eligible for sealing, not expungement. The statute is too difficult to use. We have conducted trainings on how to take advantage of the law and we refer people to Community Legal Aid for assistance.



Timothy Shugrue
(Democrat)



Young Adult Recidivism

Young adults (18-24 years old) have the highest recidivism rates of any age group in the justice system. What reforms in the juvenile and the criminal legal systems do you support to improve outcomes for young people so they are better situated to mature into a more positive adulthood and with lower rates of recidivism?



Andrea Harrington
(Democrat)

I have testified in favor of raising the age of juvenile jurisdiction as the current system is having a negative impact on young adults. I would love to have an emerging adult court, but in a small county that is difficult. We work to limit criminal records for 18-24 year olds through diversion where appropriate and seek to keep that age group out of state prison where appropriate. We have lowered both the number of people going to state prison to the house of correction through our efforts to divert this age group.



Timothy Shugrue
(Democrat)



GOVERNOR'S COUNCIL

(listed on the ballot as "Councillor")

Role of Governor's Council

Judges are key players in the juvenile legal system. While judges in Massachusetts are not elected, the Governor nominates judges to be confirmed by an eight-member elected Governor's Council. The Governor's Council is responsible for investigating, confirming, or rejecting nominees for judgeships and for the parole board. The Council approves or rejects the Governor's recommendations for pardons and reductions of someone's sentence. The Council serves an important role in preventing the Governor from having sole power to control who becomes a judge. Because judges and parole board members are key decision makers in the legal system, Governor's Councilors' decisions impact key youth justice issues:

- The perspectives of nominated judges on youth development as it applies to young people in Juvenile, District and Superior courts
- Judges' decisions on racial equity in pre-trial detention and sentencing
- Judges decide if a young person is diverted to avoid a juvenile record; whether a young person is incarcerated pre-trial; the credibility of witnesses; and if a young person will be sentenced and remain in the community, will be incarcerated in the Department of Youth Services or in adult prisons and jails.
- Parole board members' perspectives on rehabilitation and youth development for individuals who were sentenced in their youth

Councillors are elected by State Senate districts, therefore some counties will be represented by one Councillor district, while other counties may be split between multiple Councillor Districts. Counties split between more than one district will include the listing of towns and cities to better identify which Councillor race will appear on your ballot.

Berkshire County Councillor Candidates

Cities and Towns in District 8

Berkshire County: all cities and towns



Shawn Allyn
(Democrat)



John Comerford
(Republican)



Michael Fenton
(Democrat)



Tara Jacobs
(Democrat)



Jeffrey Morneau
(Democrat)

Q1: Why do you want to run for Governor's Council?

District 8



Shawn Allyn
(Democrat)

For more than 20 years, I have represented citizens in juvenile and other courts throughout the Commonwealth of Massachusetts. Prior to becoming an attorney, I was a social worker who fought hard on behalf of families and children. In both positions, I witnessed firsthand the impact of judicial temperament and demeanor on individuals appearing before judges. For far too long, the cause of those nominated for judicial and other appointments has been advanced and championed by politicians. As someone working in our courts day-in and day-out, I realize the importance of appointing judges who reflect the diversity of the communities they serve rather than the interests of career politicians. I believe that now is the time to change this pattern of election by political endorsement.



John Comerford
(Republican)

Vetting process needs improvement.



Michael Fenton
(Democrat)

As partner at a regional law firm, adjunct law professor, and the first openly LGBTQ+ elected member of the Springfield City Council (where I have served for the last 12-years), I have been in the trenches fighting for underrepresented people my entire career. I have the necessary legal expertise to vet judges and a proven track record for democratic activism which make me a perfect fit for this position. I am running because I want to ensure that we have a qualified and diverse judiciary – one that reflects the people that it serves. This means increasing the number of women, people of color, and LGBTQ+ individuals serving on the bench. I am running because I want to bring about this change. I am also running because I know how important this position can be to our region beyond the scope of gubernatorial appointees. Western Massachusetts is too often overlooked by decision-makers in Boston and as the Governor’s Councilor for Western Mass I would use my access to the Governor to advocate strongly for investments in infrastructure, housing, and economic development. Based on my unique background in law and government, and I am qualified for this position and ready to get to work!



Tara Jacobs
(Democrat)

I am excited to serve on Governor’s Council for two main reasons: 1) the opportunity to effect meaningful and positive change for our communities and Commonwealth through the work of the Governor’s Council. I want to do the work of dismantling systemic injustice from within and promote the values of social, racial, gender, youth, economic and environmental justice, with a lens on equity, transparency and accessibility. 2) Given that the Governor’s Council works closely with the Governor and Lt. Governor, literally embedded in the Governor’s suite of offices, and with access to and influence with the legislators on a weekly basis—the opportunity for powerful and successful advocacy is a big motivation as well. I have been advocating for decades, for my community, schools, libraries, arts, and the wellbeing of our women, children and families, and this is an exciting opportunity to be even more effective in amplifying the needs and concerns of all of Western Mass, and helping drive solutions that increase equity and help solve problems.



Jeffrey Morneau
(Democrat)

After being elected as the President of the Hampden County Bar Association, I made it a goal to collaborate with the leaders of other Regional Bar Associations and the Massachusetts Bar Association on significant issues facing the judiciary in Massachusetts. I soon began working with members of the Judicial Nominating Committee to ensure that they were complying with an Executive Order which requires the consultation of the bar association for the county in which judicial vacancies exist. I attended, organized, and moderated seminars for bar association leaders and potential judicial applicants. Through this, I learned just how important and impactful the Governor’s Councilor position can be and the need for transparency during the selection and approval process. Transparency requires an opportunity for the public to participate before people are approved as judges. Also, transparency mandates merit based hiring, not based on political connections, political favors, or political patronage. I’m running to make sure that information about the selection of judges and pardons and paroles is widely advertised

to lawyers through the local bar associations, that members of the public have an opportunity to participate in the process through local hearings, and that judges are nominated based on merit.

Q2: What qualities will you look for in assessing juvenile court judge nominations and parole board nominations? Why?

District 8



Shawn Allyn
(Democrat)

Individuals appearing in juvenile court and before parole boards are fragile and extremely vulnerable. The demeanor with which proceedings are conducted and decisions rendered forever impact the lives of those appearing before judges and parole board members. Competency, integrity, empathy for the person, and respect for the law are key qualities I will look for in assessing juvenile court judge nominations and parole board nominations. In addition to demonstrating these four qualities, I will look for a proven history of openness to diversity of all kinds.



John Comerford
(Republican)

A juvenile court judge should have patience as well as an understanding of the circumstances leading the juvenile into the criminal justice system. Parole board members must understand that their decisions can and do have significant impactful consequences for the community at large and the individuals involved.



Michael Fenton
(Democrat)

I would seek out candidates who have the right experience and temperament. For a juvenile court judge I would want individuals with the proper legal training and with proven progressive credentials in healing racism and ending the school to prison pipeline. For parole board nominees, I would vet their record to ensure that they understand inherent bias and they are committed to undoing the injustices of the past. This means being anti-racist and having a commitment to restorative justice. Nominees with backgrounds volunteering on boards and commissions that are committed to these principals are nominees that I would fully support.



Tara Jacobs
(Democrat)

Baseline of course is qualifications, experience with the juvenile legal landscape, and then, most importantly after those basics: the caliber, quality and nature of the character of the nominee. I would be looking for empathy, understanding of the communities they will serve and the struggles of those communities, awareness of their own biases and an active effort to work to reduce those biases, and to ensure those biases don't influence their decisions. The Parole Board is a key motivation for why I hope to serve, as I believe it lacks diversity of perspective, and would benefit from having more members who have a background in mental health, in working

towards restorative justice solutions, and in particular, someone with a personal experience with having been incarcerated and having re-entered society in a productive way to bring that perspective to the decision making process of the Parole Board.



Jeffrey Morneau
(Democrat)

There is no such thing as the perfect candidate. The qualities for a nominee may vary depending on the position and different communities they would serve. In general, the qualities that I am looking for include a smart, thoughtful, compassionate, caring person who understands the community and the people being served. A nominee's experience should be long enough so that a person can evaluate his or her performance in dealing with legal problems and the judicial process. The type and amount of experience necessary also varies depending on the position. While traditional legal experience can be a "plus," other types of experience also should be considered, such as representing clients before administrative agencies, negotiation, mediation, teaching, and transactional skills. Social Workers, lawyers in private practice, law professors, and government or public interest lawyers or others who are not frequently in the courtroom might have experience that would make them successful. Nominees should also show qualities of patience, open-mindedness, courtesy, tact, firmness, understanding, compassion, and humility. I believe that we need a therapeutic personalized approach in the context of youth, petitioners for pardons, paroles and commutations and to appoint more mental health experts.

Q3: The Governor's Council is the least understood elected body and one of the least transparent in terms of its proceedings, and its decisions on judicial and parole board nominees. How do you propose to improve transparency of the Governor's Council's work?

District 8



Shawn Allyn
(Democrat)

As an attorney for more than two decades and now as a candidate for Governor's Council, the fact that so few people are cognizant of the existence and responsibilities of the Governor's Council amazes me. I am convinced that efforts to improve the transparency of the Governor's Council begin with the election of Governor's Councilors who are motivated by the qualities mentioned above, and not by the interests of career politicians.

Efforts to improve transparency must also include outreach and educational programming. To conduct effective outreach and educational programming, Governor's Councilors need to be visible in their district long after the campaign and election are over. As the Governor's Council representative in the Eighth District, I promise to conduct outreach with the assistance of the Affinity Law Partners of the Massachusetts Bar Association in the hope

of gathering attorneys and other interested citizens for interested in learning more about the important work of the Governor's Council.



John Comerford
(Republican)

All Council meetings should be well publicized in advance affording the interested parties enough time to either attend or watch the meetings remotely. To that end the Council has an obligation to ensure that the meetings are televised to keep in the spirit of the open meetings laws of Massachusetts.



Michael Fenton
(Democrat)

As Springfield City Council President I was the first to mandate live streaming of meetings for viewing anywhere about the world. I was also the first to allow for public testimony at the beginning of Council meetings to be recorded and broadcast for everyone to see. We launched a public access station and a Youtube channel. I revolutionized the way the City Council conducted its business and I also brought transparency and accountability to committee meetings of the Council by mandating that committee meetings be recorded and broadcast as well. During the COVID-19 pandemic, I worked with my colleagues on the Council to make remote participation a reality. This meant added access and transparency for the public and government officials. And now as we transition through the later stages of the pandemic, I have worked closely on bringing a hybrid model of remote and in-person participation to the Council. I know what it means to bring transparency and accountability to an elected body. I've done it and I will do the same on the Governor's Council. As a Governor's Councilor I would fight for these same advances which will promote public accountability and transparency.



Tara Jacobs
(Democrat)

I'm happy to see that the cameras were returned to the Governor's Council chambers, and advocate continuing those broadcasts. Further, as a member of the Governor's Council I would strive to increase awareness of their work and decisions through transparent communications with my 102 communities in my District, as well as through advocating for Western Mass based hearings when the candidate is up for a confirmation for one of the positions here, and finally, through promoting accessibility solutions to ensure that the voices of Western Mass residents are heard in the proceedings and ensuring that options are made available that eliminate the challenges of transportation and time when participating from this farthest part of the state. Further, if elected, I intend to boost communications, sharing what our agenda entails, soliciting community input, and broadcasting (through social media posts and/or blogs or vlogs) the decisions we are making. I believe the lack of awareness for the work (and existence) of the Governor's Council is by design—a gatekeeping of this important work from the

people. As a non-lawyer, a major motivation for me is to be that voice that represents the people in the process, as we, the over 99% who are not attorneys, are impacted as a whole and individually by the choices made.



Jeffrey Morneau
(Democrat)

The public deserves transparent and accessible hearings on any nomination before the Council. The Governor's Councilor from Western Massachusetts represents a larger geographical area than that of any other Councilor. Yet, the Governor's Council hearings are typically conducted in Boston on Wednesday's during the day which effectively prevents citizens from western Massachusetts from participating or providing input on these important positions. Council hearings in Boston should be available via livestream and subject to the Open Meeting Law and additional hearings should be conducted throughout the state. The members of the public should also have a real opportunity to speak directly to the Governor's Council on judicial nominations. In previous roles, I helped to organize and bring public testimony hearings for judicial nominees to western Massachusetts so that lawyers and other members of the public in the western part of the state had a real opportunity to speak directly to the Governor's Council on judicial nominations. I am committed to making sure that some of the Governor's Council hearings are held in western Massachusetts and ensuring that the citizens of western Massachusetts are treated equally to those from the other parts of the Commonwealth when it comes to the nomination of judges and the overall administration of justice.

Q4: Disparities are pervasive in court proceedings and sentencing, including in juvenile court delinquency and child welfare proceedings. Youth of color, youth with disabilities and LGBTQ youth are over-represented at each stage of these systems. What are the problems you identify as factors for these disparities? How do you plan to use your role to mitigate these harms?

District 8



Shawn Allyn
(Democrat)

There are multiple levels of the juvenile system. At every level of the juvenile system, beginning with police contact, to the court system, to community programs, to incarceration, are multiple decision-makers whose degree of competency, integrity, empathy, and openness to diversity impact the judicial process and outcomes. On an even more foundational level, institutional racism, and implicit bias rampant in all areas of society negatively impact the juvenile system and present unique challenges to youth of color, youth with disabilities, and LGBTQIA youth. As an openly gay man, I am particularly aware of the impact of implicit bias and the need for programs which explore the cause and impact of such bias. As your representative on the Governor's Council, I promise to endorse programming for current and prospective judges designed to explore the deleterious impact

of institutional racism and implicit bias on our judicial system. If elected to the Governor's Council, I also intend to advocate for regular and systematic review of judges in an effort to evaluate areas related cultural competence and judicial demeanor.



John Comerford
(Republican)

Nominees to the life-time judicial appointments need to understand the communities which they serve. To that end I believe that those making these appointments have an obligation to nominate qualified individuals who best represent the respective communities.



Michael Fenton
(Democrat)

There is no doubt that there are disparities in our system. So of those impacted the most by these disparities are youth of color, youth with disabilities, and the LGBTQ+ community. There are a variety of factors in that lead to these disparate outcomes. Some of it has to do with inherent bias from a judiciary, which is disproportionately middle-aged, cis, straight, white, men. To overcome these biases we need to diversify the judiciary and increase training. As a Governor's Councilor I would insist that we get more diverse judges. I would insist that we get judges with more diverse backgrounds and experiences in fighting social injustice. This is a major passion of mine as evidenced by the fact that I am a founding board member of the Center for Social Justice at Western New England University School of Law. I also serve on a variety of boards and commissions in which attempt to address this issue.



Tara Jacobs
(Democrat)

I am running very much specifically because I do recognize these problems and hope to help turn the tides. As a school committee member in North Adams, I have been working to write policy and introduce changes to our practices and procedures to increase equity, inclusiveness, and reduce racial disparities in our district's discipline outcomes. As a member of Governor's Council, in the appointment of juvenile judges I would look for nominees who are empathetic, creative in employing solutions and alternatives to incarceration/lock up residential placement, etc., and who are actively working to reduce the biases and disparities in how our youth of color and LGBTQ+ are treated in the justice system and in sentencing. I intend to make these issues a focus in every hearing, in every nominees' proceedings, and in every aspect of the work of Governor's Council. I intend to persistently and consistently introduce these lines of questioning and evaluation across all the work of the Governor's Council. Beyond, that as an advocate, I hope to use that influence to increase access, availability and funding for resources needed across the state, but particularly in Western Mass to help address the underlying

problems: poverty, food and housing insecurity, mental health and addiction recovery resources, and other key community solutions that would help disrupt the cycle.



Jeffrey Morneau
(Democrat)

Judicial diversity is essential to delivering equal justice. As the legitimacy of the Supreme Court vaporizes, restoring the public's faith in the legal system is an enormous hurdle. Countering any perceptions of bias, it is critical that courts dispense justice equally and administer our laws impartially. Our judicial branch of government is charged with protecting our constitutional rights. Everyone's rights including, children with disabilities, Black trans women, poor people and houseless people, women, seniors and Indigenous people. An ideal bench is representative of the larger community, including women, Black and Brown people, LGBTQIA+, and other underrepresented groups. When a member of the public enters a courtroom, their belief that they will get a fair hearing is enhanced by a judiciary that includes judges who reflect their lived experience or who have represented people like them. A diverse bench also can inspire young people from underrepresented groups to enter the practice of law and serve their communities as advocates and judges.

Q5: What role does the Governor's Council play in disrupting the "school to prison pipeline?" How will you use your position to combat this?

District 8



Shawn Allyn
(Democrat)

The school-to-prison pipeline consists of two pipelines. The first pipeline involves suspensions and expulsions from school. It is a demonstrated fact that students suspended or expelled from school have a higher likelihood of being re-arrested during periods they are suspended or expelled. This first pipeline involves students with and without a previous history of delinquency. The second pipeline involves actual arrests in schools for behaviors that could be better addressed through alternative procedures. Important to note is the practices highlighted above are frequently the result of Zero Tolerance policies often fueled by lack of sufficient funding for adjustment counselors, social workers often capable of defusing tense situations in our schools. As your representative on the Governor's Council, I would advocate for programs which facilitate restorative or therapeutic alternatives to suspension and expulsion. I would also advocate for increased funding for school counselors and social workers



John Comerford
(Republican)

The role of the Governor's Council is to advise and consent on the nominees to various appointments, it's role does not extend to creating policy. It is best left to the legislature to perform that task.



Michael Fenton
(Democrat)

I have been fighting to disrupt the school to prison pipeline for my entire adult life. As a board member at ROCA, Inc., I work relentlessly to disrupt incarceration, poverty, and racism by engaging the young adults, police, and systems at the center of urban violence in relationships to address trauma, find hope, and drive change. I would bring this same approach to the Governor's Council. As a Governor's Councilor I would ask the tough questions of judicial nominees to ensure that they are also committed to disrupting the pipeline.



Tara Jacobs
(Democrat)

I am actively working towards solutions that disrupt the 'school to prison pipeline' as a School Committee member in North Adams, and hope to gain membership on the Governor's Council to be even more effective in my advocacy efforts around this issue. Additionally, as a member of Governor's Council, when confirming judges who will have a higher proportion of youth cases—juvenile, drug, family court, etc., it will become especially important to drill down deeply and broadly on these issues to evaluate the beliefs, values, biases and intentions of prospective judges to ensure we are building a bench that has an understanding of, compassion for, and intention to effect positive change in the outcomes for the youth community they will be serving. Ideally, as often as possible, placing judges from a community, with ties and understanding of the challenges faced, I believe will positively impact the outcomes through greater understanding. Regardless, the most important, to my perspective, is a nominee who is intent of providing justice that is fair, unbiased, and if anything confounds the current trends and works to shift our shared experience of justice.



Jeffrey Morneau
(Democrat)

The most important thing any Councilor can do to address this is to cultivate and approve quality members to the judiciary. Those in power must be sensitive to the changing times and the evolving issues in the community and I would ensure that any nominee would be committed to disrupting the school-to-prison pipeline. At the same time, I feel that a position on the Governor's Council is also an enormous opportunity for outreach and community organizing. Building relationships in the district with the people who live here and the families that interact with our courts gives each Councilor the opportunity to meet people where they are at and present new ideas. One specific proposal would be to promote the implementation of restorative justice programs that would

decrease out-of-school suspension rates. Another area would be to shift the way courts handle issues of addiction. The bottom line is that sending youth on a path to prison, instead of providing counseling and treatment is a failed policy that is doing nothing to improve outcomes for our youth and the community as a whole.

Q6: How do you plan to vet nominees' knowledge of and commitment to positive youth development principles such as avoiding the use of institutional placements or incarceration unless necessary for public safety; avoiding the exposure of youth to the adult legal system; and providing alternative opportunities for appropriate therapy or treatment?

District 8



Shawn Allyn
(Democrat)

I am convinced that we can learn much about a prospective judge and the principles which undergird his/her personal life and professional practice by a review of his/her case history. I am also convinced that we can learn much about a prospective judge by observing courtroom demeanor. As an attorney present in our courts on a regular basis, I witness firsthand colleagues at work. I notice their verbal and non-verbal communication style. As a member of the Governor's Council, I would be eager to observe judicial nominees at work in a courtroom to assess things such as communication style, demeanor, and openness to alternative sentencing.



John Comerford
(Republican)

The Governor's Council is not a rubber stamp. It is the duty of the council to ensure that the most qualified individuals are elevated to the bench. These nominees should have an understanding of the community they are a part of.



Michael Fenton
(Democrat)

I would ask nominees about their experience in working with youth and youth in the criminal justice system. I want candidates who have demonstrated commitment helping youth development and specifically helping youth avoid institutional placements or incarceration. This means having experience in working with or for organizations helping to provide alternative opportunities or pathways for youth to avoid incarceration, receive appropriate therapy or treatment, and get trained to opening doors to a productive future. I have experience working on this for many years as a board member for ROCA.



Tara Jacobs
(Democrat)

I intend to be consistent and persistent in delving deeply into these issues, bringing them to the forefront and anchoring them in the confirmation process, to thoroughly understand where each nominee stands on them, the work they are doing, have done, and the perspective they have and only voting to confirm those who show a deeply held commitment to promoting non-incarceration solutions. Secondly, I intend to advocate for a increased access to anti-incarceration solutions and resources, deepening, broadening, and expanding the portfolio of available resources, and working to ensure that these options expand in access and reach all the way across the Commonwealth to Western Mass, including the farthest corner of the state in the Berkshires and Franklin Counties, and of course in Hampshire and Hampden as well.



Jeffrey Morneau
(Democrat)

We know that mental health is often undiagnosed and untreated and that non-clinical institutional placements and incarceration often results in trauma that, when exacerbated, manifests into negative behavior. I want to confirm nominees who are well versed in a trauma informed approach to supporting youth and have ideas and plans on how we can improve the judicial system for both youth and adults. This means cultivating and recruiting nominees from non-traditional positions, such as social workers, school adjustment counselors, children and family therapists and early childhood educators. A nominee should also be familiar with the Harvard Study on Racial Disparities, structural racism in the parole system, Massachusetts Bar Association Clemency Task Force, the State Auditors audit of the Parole Board, and the Department of Justice Report on the Department of Corrections.

Q7: There is a persistent lack of racial/ethnic diversity as well as lack of diversity in backgrounds of judicial and parole board nominees that are presented to the Governor's Council. How would you use your position to address lack of diversity in the nominations presented to the Council by the Governor and the [Judicial Nominating Committee](#)?

District 8



Shawn Allyn
(Democrat)

As mentioned above, chief among my priorities as a Governor's Councilor would be efforts to partner with Affinity Law Partners of the Massachusetts Bar Association to address the lack of diversity in judicial nominees. The affinity groups include: Asian American Lawyers Association of Massachusetts; Hispanic National Bar Association, Region I; Massachusetts Association of Hispanic Attorneys; Massachusetts Black Lawyers Association; Massachusetts Black Women Attorneys; Massachusetts LGBTQ Bar Association; South Asian Bar Association of Greater Boston. In collaboration with these affinity groups, I would be eager to host workshops and other events designed to attract diversity candidates.



John Comerford
(Republican)

I will vigorously question any nominee put forth to the council. I will base my decisions on a multitude of factors chief among these will be whether they have the needed qualifications for the life time appointment.



Michael Fenton
(Democrat)

I have addressed this point several times in my prior answers. Fighting for a more diverse judiciary is a major part of why I am running for this position. Fighting for diversity has also been a major component of my career on the Springfield City Council. I have led on this issue for over a decade and I will continue to do that on the Governor's Council. At the end of the day, you have to look to someone's record for what they have done to advance diverse representation. Please check my record on this. I have led on this issue and will continue to. My work in this area is too extensive to list in 200 words, but I will give you one example. As City Council President, I launched an open application process for committees to get the public involved and to attract diverse points of view. In the end I selected the most diverse group of committee members in the history of the City. I am fully committed to diversity and would insist that the Governor nominate more women, people of color, LGBTQ+ individuals, and others from diverse backgrounds. I am also a proud support of an ordinance to bring Springfield its first Chief Diversity Officer.



Tara Jacobs
(Democrat)

This is another key area that is one of my main motivations for why I am running for Governor's Council. I hope to join the Council to be able to proactively influence a more diverse and representative pool of candidates to come forward into the nomination process for the judicial bench, and on the Parole Board my hope is to diversify the perspectives representing us to include a more balanced viewpoint. I hope to appoint to the Parole Board voices from the mental health community, experts in addiction and recovery, and ideally, to appoint someone who has been incarcerated, possibly someone who now leads a movement to enhance rehabilitative programs, or restorative justice, or otherwise is working to improve the justice system, and could benefit the board as a voice that understands the challenges and struggles our incarcerated population faces, as well as the nuances orbiting our justice systems' disparities and systemic injustices.



Jeffrey Morneau
(Democrat)

It is crucial that the public has a judiciary that reflects the diversity of its community. When the range of people who sit in judgment do not reflect the communities they serve, the public has an impression that judges are not impartial and will not make well-informed decisions reflecting community values. On the other hand, when a member of the public enters a courtroom, their belief that they will get a fair hearing is enhanced by a judiciary that includes judges who are like them or represented people like them. A diverse bench also can inspire young persons from underrepresented groups to enter the practice of law and serve their communities as advocates and judges. Minority applicants are frequently disadvantaged when political connections are part of the judicial selection process. I believe that the lack of judicial diversity in Massachusetts courts is a problem of recruitment, not a deficit of qualified candidates. I will continue to educate lawyers and the public about the judicial selection process and actively perform outreach in the community and recruit diverse lawyers to apply for judgeships. I believe that we can build a diverse judiciary that fulfills our commitment to equal justice under the law.

SHERIFF

Role of Sheriff

County sheriffs are responsible for the operation of county jails that hold adult defendants awaiting trial (such as those held on bail) and the operation of house of corrections, to which individuals are sentenced to serve two and a half years or less. County Sheriffs are key stakeholders on several youth justice issues:

- Sheriffs are responsible for young defendants and sentenced individuals as young as 18 years old and are key stakeholders in support of or opposition to the “Raise the Age” campaign.
- The Massachusetts Sheriffs Association has come out [publicly opposing](#) the protection of student confidentiality by limiting the information schools and law enforcement can share from surveillance, investigations, and conversations with school police.
- Sheriffs are also important players on immigration policy. Some county sheriffs have federal contracts to detain immigrants; sheriffs are legally authorized to enter agreements with the federal Department of Homeland Security to deploy local correctional staff as federal immigration officials (referred to as “[287\(g\) agreements](#)”) to enforce immigration law in the community.
- Responsible for programming for and education of young people in their custody and conditions of confinement including solitary confinement or providing healthcare. A recent [report](#) found that Massachusetts youth between the ages of 18 to 21 who are incarcerated in the adult criminal system face significant barriers to actually accessing educational programming and services. As a result, only a small fraction of those eligible for special education receive any specialized instruction or related services when incarcerated at adult correctional facilities.

Berkshire County Sheriff Candidates



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)

Education

Older teens who are incarcerated before graduating high school have a right to continue their education. However, youth completing their high school education in county jails do not receive [high school credits](#) towards graduation.

Q1: Do you commit to working towards having your county's jail accredited as an educational institution to ensure students can earn high school credit for work done?



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)



Q2: Do you commit to creating Educational Liaisons positions to work closely with local school districts in your county on individual students' transitions between schools and jail?



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)



Q3: State and federal law guarantees that all students, including youth with an identified disability, receive a free and appropriate public education until a young person's 22nd birthday. However, an analysis of county houses of corrections found that around 75% (statewide average) of incarcerated 18- to 21-year-olds who have Individualized Education Plans (IEPs) are not identified by and do not receive the education they are entitled to. Do you agree to establish a data sharing mechanism between your agency and the Department of Elementary and Secondary Education (DESE) to quickly identify youth in your care 18-21 that have an IEP in place to provide special education services within one week of entering the facility?



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)



Q4: Do you support enrolling every youth (age 18-21) in your custody in either high school classes (credit bearing toward graduation), HiSet, or higher education/community college that is not limited by classifications of housing status?



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)



Positive Youth Development

Q5: Positive Youth Development is a framework that builds upon and centers youth's assets to improve educational opportunities, disciplinary strategies, and family/community engagement. Would you commit to adopting a Positive Youth Development framework, and seeking guidance and technical assistance from the Department of Youth Services to ensure proper adoption of the model, with youth ages 18-25 to respond to and prevent youth re-offending?



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)



Family Engagement

Q6: Will you commit to investing in enhanced family engagement, i.e. where family members are involved in case planning and transition planning (not just visits and phone calls) for every young person in your custody not just a select few in specialized units?



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)



Restorative Justice

Q7: Restorative justice is a victim-centered conflict resolution measure formed through a collaboration of community members to promote accountability and healing from offenders and victims. Do you commit to prioritizing the utilization of restorative justice as an alternate solution to disciplinary action?



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)



Candidacy Goals

Q8: Why are you running for Sheriff?



Alf Barbalunga

(Democrat)



Thomas Bowler

(Democrat)

When I was 7 years old, I was introduced to the Berkshire County Sheriff. I asked him, "What do you do for work?" He answered, "I'm in the business of helping people." That answer resonated with me then--and it resonates with me now. To run for sheriff, you have to be a deeply optimistic person--and believe that people want to get their lives on track. I strongly endorse "restorative" justice, the idea that breaking the powerful cycles of crime and addiction means helping people to find sobriety, form healthy self-identities, and develop job skills. Most people in our jail will return home. I've been assisting people throughout my entire career to walk those often difficult next steps. I began my public career at the age of 19 as a correctional officer in the Berkshire Jail and a Juvenile Probation Officer in the Pittsfield Schools. I began work in the Probation Service in 2004 and became Probation Service Chief in the Trial Court. Over the years, I've worked with hundreds of young people on probation. My goal has been to "restore" them to community with the full rights and benefits of a valued community member.

Solitary Confinement

Q9: Given the harms of solitary confinement and the use of restrictive housing for discipline or protection on the development of youth incarcerated in adult correctional facilities, will you commit to alternatives to the use of restrictive housing? If so, how and if not, why not?



Alf Barbalunga
(Democrat)

Research has shown that solitary confinement has serious detrimental effects on mental and physical health; spending 22 to 24 hours per day alone and idle in a cell the size of a parking space is proven to be unhealthy. Young people---regardless of their setting--are dealing with self-image, an overwhelming number of life decisions ahead, and uncertainty of how they will maintain their independence. After they are released, they have to integrate into the community. I will work with our staff to be mainstreaming people as much as we can, and treating all members as contributors to our community worth. I have already begun discussions with State officials about returning our juveniles back to the Berkshires, as I feel sending them to Springfield or Cape Cod away from their families is damaging. Maturing minds need family connections to stay on the right path; I do not believe sending kids hours away from their families without that support is healthy. In fact, I think it's more likely to lead to more criminal behavior. We have a huge campus at the Berkshire County Correctional Center and I hope to obtain funding to create a special home for the juvenile population.



Thomas Bowler
(Democrat)



Young Adults

Q10: Youth as young as 18 are subject to incarceration in county jails that are designed for adults. What do you see as necessary reforms to adult corrections to ensure a focus on the growth, development and prevention of re-offending for all incarcerated young people (not just those in specialized units), particularly as it pertains to education, family engagement, pediatric physical and mental healthcare, conditions of confinement and civic engagement).



Alf Barbalunga
(Democrat)



Thomas Bowler
(Democrat)

Research confirms that locking children up for long periods of time — especially under the harsh conditions— causes more harm than good and does little to protect our communities. I support pre-trial diversion, like they have done in Hawaii (they now have no incarcerated female juveniles), as well as creating educational and workforce development services for incarcerated youth while the youth are in facilities and post release. In a county jail context, when a youth’s parent is available but requires supports to fully engage in education advocacy, the jail should provide access and support to the parent in order to build capacity and best serve the youth. All youth should have access to mentors who are culturally competent to empower and support them and understand their strengths and unique barriers to educational success. We can support youth with staff from our community, local schools, Juvenile Probation Officers, child welfare workers, and facility staff, to gain access to high-quality education. The jail should provide transition specialists who get to know the youth and forge an ongoing relationship.



Health and Safety

Q11: Given the particular vulnerability of young people, particularly LGBTQ youth, to victimization in custody, do you commit to protecting young people from sexual violence in your custody without using any form of segregated confinement or isolation or by utilizing community placements? Please explain how you will do so.



Alf Barbalunga
(Democrat)

Incarcerated LGBTQ youth are more likely to be put in solitary confinement than straight youth. This is done in the name of "protecting" them---despite the long-lasting harm of solitary confinement. Our central goal should be keeping LGBTQ people out of prison in the first place, but far more can be done to ensure their safety behind bars: by preventing harassment and sexual assault; improving systems for addressing assault when it occurs; providing access to appropriate housing, health care, and clothing for LGBTQ inmates; enacting and enforcing non-discrimination policies for staff. If an LGBTQ person requests protection, the environment they go to must not be co-located with inmates in disciplinary confinement. The protective environment must not resemble a setting of punishment. These actions require continual education of inmates and all staff, regarding the jail's goals for protection of all persons, a "rights and benefits contract" includes the freedom of all inmates to control their own body. As Sheriff I will reach out to LGBT rights groups for engagement with the jail, and make it clear to all inmates and staff that the Sheriff of this jail has a vested interest in maintaining a "community built on dignity of each person."



Thomas Bowler
(Democrat)



Education

Q12: What policy and practice changes will you institute to improve educational access and attainment (including post secondary education) for all young people under the age of 26 in your custody?



Alf Barbalunga
(Democrat)

I hope to expand dialogue with the secondary schools, community colleges, colleges and educational groups in greater Berkshire County to define a "curriculum for life" that is geared not just towards attaining a degree or credential, but brings into the jail, and out in the community, a consciousness that inmates are learners, they are studying how to become the people they want to be. I want to select the best resources from the community to offer people at the jail with opportunities that make sense to their own individual development, what we used to call a "education without walls," so that as many inmates as possible will see the value of such a curriculum for them, and will find a mentor, tutor, educator who will work with them on specific learning opportunities that excite them, whether its learning a machine trade or welding, farming, or writing a memoir. I want people at the jail to see that we are serious about continuing education, and that their time spent here will not be just marking time. I will reach out to a range of diverse community groups to assemble this education without walls for every person who wants one.



Thomas Bowler
(Democrat)



IMPORTANT VOTER INFORMATION

Am I eligible to vote?

You must be **at least 18 years old**, a **US citizen on election day** and **registered to vote** at least 10 days before the election.

I have a felony conviction, can I still vote?

YES!! In Massachusetts, only individuals currently incarcerated for an adult felony conviction are ineligible to vote. You **CAN VOTE** even if you have a criminal record, are incarcerated pre-trial or for a misdemeanor conviction, are committed to the Department of Youth Services, are in foster care or are homeless.

I don't have a stable place to live – I live in a foster home, group home, on the streets, or couch surfing with friends – how can I register and vote?

Your vote is YOUR right and YOUR voice is vitally important. Plan where the best place is for you to receive mail and which location is convenient to you to vote. Polling locations are generally close to the address that you choose. You can register to vote online. You can use the last permanent address you had, an address where you are frequently at even if you don't live there or even a street corner. Registration allows you to vote close to that area. The address where you register and where you receive your mail do NOT have to be the same. All voters have the option to vote by mail. If you have a reliable mailing address, such as at a shelter, voting by mail may be a convenient option to you. If you do not have a reliable mailing address, check if your city or town offers early voting. You may go to the elections department or any early voting polling location and vote at a date and time convenient to you.

I don't have an ID. Will that stop me from voting?

Most voters are not asked for an ID to vote. However, there are limited circumstances that a poll worker can ask for your ID, for example, this is your first time voting ever, or there is a discrepancy in their records.

You will NEVER need to present a picture ID. Any legal document showing your name and address would suffice – these include a letter from a shelter, a utility bill, a bank statement, a letter from a government agency could all work. If you do not have that document, you may ask for a "provisional ballot" and return with the appropriate paperwork.

No one except a poll worker is allowed to ask for identification. Not a private person acting as an "observer" or someone dressed in a suit standing on the sidelines. No one can challenge you because you "look" like you are not allowed to vote or because you speak a language other than English.

I have a Green Card / Legal Permanent Resident status in the US. Can I vote?

No. Only US citizens can legally vote in all federal and state elections, and most municipal elections. If you are not a US citizen, attempting to or even registering to vote is not allowed. However, newly naturalized citizens can vote. Though several cities voted to allow non-citizens to vote in local elections, such as for school committee, the state legislature has never approved it to move forward. Legislation to open voting to non-citizens for local elections, such as for the school committee, is being considered in the State House, but has not passed yet.

Am I registered to vote?

You can find your voter registration status at [RegisterToVoteMA.com](https://www.RegisterToVoteMA.com). Once you are registered to vote, you do not need to register again unless you change your address, political party, or name.

Can I register to vote if I am younger than 18?

If you are at least 16 years old, you can pre-register to vote. If you are at least 18 years old, you can register to vote. You can register or pre-register online at [RegisterToVoteMA.com](https://www.RegisterToVoteMA.com)

Why are there two elections so close to each other?

A **Primary Election** allows voters to choose candidates from one of two political parties (Democratic or Republican). The primary election winners from each party will face off in a **General Election**. The winners of the General Election will take office in January 2023.

Who should I vote for? Can I see a sample ballot before I vote?

The Secretary of State publishes sample ballots online to preview the ballot you will receive for the primary and general elections. Enter the address where you are registered to vote at [WhereDoIVoteMA.com](https://www.WhereDoIVoteMA.com). You can download a copy of the ballot with the Democratic or Republican candidates. You can only vote using the ballot of the political party to which you are registered to vote. If you are "Unenrolled", you may choose either one of these ballots to vote on.

Where do I vote?

You can find your polling location for in-person or early voting at [WhereDoIVoteMA.com](https://www.WhereDoIVoteMA.com).

Can I vote before election day?

Yes, you can vote early by mail. Every Massachusetts city and town must provide early voting options for state primary and general elections.. Check [EarlyVoteMA.com](https://www.EarlyVoteMA.com) for locations and hours of early in-person voting locations. See "Important Election Dates" for voting by mail information.

Can I vote by mail before election day?

Yes, you need to download a form asking for your ballot at www.MailMyBallotMA.com and mail it to your local election department. See "Important Election Dates" for more details.

Can I receive a ballot in languages other than English?

Some cities and towns offer bilingual ballots:

- Voters can access election materials in Spanish in: Boston, Chelsea, Holyoke, Lawrence, Lowell, Lynn, Revere, Southbridge, Springfield, Worcester.
- Voters can access election materials in Chinese in: Malden (Traditional), Quincy (Mandarin).
- Voters can access election materials in Khmer in: Lowell.

I received my mail-in ballot but I didn't mail it by the deadline? Can I still vote?

Yes. You can only vote once in each election, either by mail or in-person. If you received a ballot but did not mail it, you can go in-person to your regular polling location to vote.

IMPORTANT ELECTION DATES

Primary Election

Voter Registration Deadline

August 27, 2022

Early Voting Dates (In-Person)

August 27 - September 2

Hours and locations of early voting for all cities/towns will be available at [EarlyVoteMA.com](https://www.earlyvotema.com) no later than August 22nd.

Deadline a vote-by-mail ballot application must be received**

August 29, 2022

Primary Election Day**

Tuesday, September 6, 2022

General Election

Voter Registration Deadline

October 29, 2022

Early Voting Dates (In-Person)

October 22 - November 4

Hours and locations of early for all cities/towns will be available at [EarlyVoteMA.com](https://www.earlyvotema.com) no later than October 17th.

Deadline a vote-by-mail ballot application must be received**

November 1, 2022

General Election Day**

Tuesday, November 8, 2022

**** Deadline dates are when your local election department receives the application and ballots (not the date you mail the envelope). Due to delays by mail, give yourself plenty of days before the mailing deadlines to apply for voting by mail, and for mailing your ballots. ****

VOTE BY MAIL

Due to the VOTES Act, all voting in elections may now be done by mail or in-person. This is a new law, so you need to make sure you do it correctly to make your vote count.

STEP 1: Ask for a ballot by mail

- Fill out the application that was sent in the mail (the size of a postcard).
- If you don't have that application, you can apply online at MailMyBallotMA.com.
- Make sure your information is up to date, especially if you moved since the last election!
- Check the box to request ballots for **ALL 2022 Elections**. This will ensure that you receive ballots for both the September Primary Election and the November General Election.
- **If you are "unenrolled"**, but would like to vote in the primary, select which primary ballot you would like to receive. This will not enroll you in the party.
- **Sign and date your application.** If your application is not signed it will not be processed, so make sure to sign before you send!
- **Tear off and drop it in the mail AS SOON AS POSSIBLE! NO POSTAGE REQUIRED.**
- Your local election agency must receive the application no later than August 26th.

STEP 2: Your local elections official sends you a ballot by mail.

- Look for a large yellow envelope with the words "State Election Ballot Enclosed"
- You must vote with the mail-in ballot.

STEP 3: You fill out the ballot and return it to your election official by mail or drop-off early in-person

- Vote on the ballot
- Place your ballot in the **yellow** envelope and seal that envelope.
- Sign the yellow envelope and print your name and address below your signature.
- Place the signed envelope inside the white envelope and seal that envelope.
- You can return the ballot by mail or in-person. No postage required.

How do I know if my ballot made it? What if I can't mail my ballot?

- You can track your mailed ballot at TrackMyBallotMA.com
- If for any reason you were unable to mail your ballot or changed your mind, or your ballot did not make it to your local election department by election day, you can still vote in-person at your regular polling place.

GLOSSARY

Adjudication: A final decision on a case where a child is found either delinquent or not delinquent.

Arraignment: The formal start of a legal case in court, at which point a juvenile or criminal record is created.

DCF: Department of Children and Families, the state agency responsible for child welfare and foster care services.

Delinquent: The juvenile justice system's equivalent of a "guilty" case outcome.

Detention: Incarceration of a young person pre-trial to ensure they will return for their next court date, as decided by the judge.

Disposition: The sanction or punishment imposed on a juvenile defendant who is found delinquent or not delinquent (similar to a sentencing in the adult system). It can include a continuance without a finding, being found delinquent and placed on probation, committed to the Department of Youth Services for incarceration or other supervision or penalties in the adult system including incarceration in adult prisons or jails as a youthful offender.

District Courts: Courts that handle misdemeanor and low-level felony cases for adults and can sentence someone to up to 2½ years in the house of corrections.

Diversion: Any practice by which the police, district attorney Clerk Magistrate, or judge redirects a young person's case from the formal justice system to an alternative form of handling. This prevents further involvement in the juvenile justice system. Diversion practices are used to avoid arrest, getting a juvenile record or incarceration, depending on the decision point.

DYS: Department of Youth Services, the state agency responsible for holding young people in detention pre-trial or as committed to their custody during a juvenile court adjudication.

Expungement: The total destruction of a juvenile or criminal record, so that no one may access the record.

Indictment: A decision made by a Grand Jury to formally charge a person with a serious crime allowing for longer sentences of incarceration. An adult would have their case moved to the Superior Court and may result in a state prison sentence. For a juvenile, an indictment is a

decision by the Grand Jury to charge a youth as a "Youthful Offender" that while remaining in the Juvenile Court, opens up longer sentences in DYS and/or adult incarceration.

Juvenile Courts: The court responsible for child-related cases, including child welfare (called care and protection), Child Requiring Assistance, and juvenile justices cases. The court cases are overseen by judges who are nominated by the Governor and approved by the Governor's Council.

Probation: The supervision of a defendant by the courts pre-trial or as a sentence, in lieu of detention or incarceration.

Prosecutor: The attorney representing the state government in juvenile and criminal cases. The elected District Attorney oversees, supervises and sets policy for all the prosecutors, or Assistant District Attorneys, in their county.

Recidivism: A return to offending behavior by someone who was previously involved in the legal system. Recidivism is sometimes measured as a re-arrest, re-conviction, or re-incarceration for a new crime.

Sealing: A process by which a juvenile or criminal record is given greater privacy by limiting which entities (ex. employers or landlords) may access the record.

Superior Courts: Courts that handle very serious felony cases for adults, and can sentence defendants to state prison.

"Youthful Offender" (YO) indictment: A type of juvenile court case of serious felonies, where a prosecutor can ask for a case to be heard by a Grand Jury. A young person adjudicated as a "Youthful Offender" is subject to a longer sentence to DYS, a sentence of adult incarceration or a combination of both.

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