



## PROGRESSIVE MASSACHUSETTS

### 2020 GOVERNOR'S COUNCIL QUESTIONNAIRE

**Date:** 7/22/2020

**Candidate:** Helina Fontes

**Office Sought:** Governor's Council, District 6

**Party:** Democrat

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*Questionnaire Responses (excepting sections labeled CONFIDENTIAL) will be published on our website.*

## Questions about Your Candidacy & Platform

### 1. Why are you running for Governor's Council? What has drawn you to this office in particular?

The Governor's Council is still essential in the Commonwealth, however, it currently lacks diversity and has been a mechanism for judicial stagnation in the past. The Council provides necessary oversight over judicial appointments, parole board appointments, pardons, and other gubernatorial appointments. The council plays a key role in shaping the quality of our justice system, serving as the only real check and balance on the Governor's appointment power. With full autonomy to screen and vote as they so choose, the council has a unique opportunity to evaluate the character and values of nominees to ensure that no harmful implicit biases exist that perpetuate racial and socio-economic inequalities and the cycle of mass incarceration. The same judges who have the power to incarcerate also possess the power and opportunity to connect people to helpful community resources, that most times yield greater results.

In addition, I believe that a seat on the council provides many opportunities to advocate for underrepresented and marginalized groups with the governor and other council members. For there to be a full understanding of the impacts of incarceration, and shift people's thinking, there must be someone in this space bringing these matters to the table. As a minority woman, and mother of the formally incarcerated, I intend to use my platform in order to start these difficult conversations and create awareness, based on my lived and professional experience.

### 2. What prepares you to serve in this capacity?

As a first-time candidate, my decision to run was inspired by my own personal lived experiences with the MA judicial system as a family member, my work as a mental health recovery program administrator and community organizer. As a woman of color, I have seen and experienced first-hand the devastating impacts that our current justice system has on individuals, families and communities. As a mother, I have had to endure the pain of the incarceration of my own son. As a program director, I have witnessed individuals in mental health distress sent to jails and prisons who would have been more appropriately served by community-based treatment programs. I am running because we must add racial, occupational and socio-economic diversity to a council where there

currently is none. I am running to ensure that the men and women appointed to the benches and parole board are representative of the communities they serve, understand the unique challenges of those communities and have demonstrated a personal commitment to jail and prison diversion, community integration and have no implicit biases.

What recent and tragic events involving the killings of unarmed black men have shown us is that our current justice system, even here in Massachusetts, is imbalanced and negatively impacts minority, disabled and low-income populations disproportionately.

Growing up as a foster kid and survivor of childhood sexual abuse that devastated so many aspects of my life, I made many mistakes in my youth. I see myself as a testament that people can and do recover, without incarceration, when they receive the proper tools and support. I am living proof that anyone, regardless of their backgrounds, can overcome and go on to make positive and impactful contributions to their communities. I want others to have the tools and support that I had, and until we stop needlessly incarcerating people of color, disabled and low-income individuals who pose no threats to public safety, this will not be achieved.

**3. What factors do/will you consider when determining whether an individual should be confirmed as a judge, a member of the Parole Board, or a member of any of the other boards and positions considered by the Council? How much weight/importance do you give to each of the factors you consider? Do you have any litmus tests?**

To me, a good judge understands the challenges of the community they're appointed to and can recognize the economic and environmental factors contributing to illegal activity. Good judges are also objective, able to interpret information written on a police report and quick to ask clarifying questions and slow to label or make assumptions. Good judges ask questions like "Did the person run away from police because he/she was guilty and had something to hide, or are the dynamics between police and constituents of that community hostile, therefore he/she ran out of fear?" A good judge will be aware of, and consider all possibilities, always looking to point people in the direction of community resources and steers away from prisons and jails as much as possible.

Therefore, when vetting nominees to ensure they possess the qualities above the most important factors to consider are their values, backgrounds

and beliefs. Many on the existing council have made the argument that only attorneys should be appointed to the council because they alone are able to determine if nominees possess the right skill, training and experience required to effectively serve. I refute the argument that the council should vet in this way because before nominees are presented to the council their qualifications and experience have been fully vetted by the Judicial Nominating Committee. Therefore, with their capability to serve well-established before they reach the point of nomination, instead of focusing on what's already been determined, the council can and should be screening them as people, examining closely for implicit biases that will impact the decisions they make.

Character, backgrounds, values and beliefs are the most important qualities deserving of the most scrutiny of any judicial nominee, yet, are the qualities most overlooked by an existing council predominantly comprised of individuals with backgrounds in law. Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner, and are seen and felt in our judicial system by marginalized, poor and disenfranchised populations every day. Individuals who have no awareness to their own biases, or with no understanding of the populations they're serving, are prone to make harmful assumptions about people on a subconscious level and make decisions based on those assumptions.

A perfect example of this involves a man/woman appearing before a court on prostitution charges. A biased judge will see standing before them a criminal and someone who intentionally broke the law. Whereas an unbiased judge would see an individual who may have other underlying needs such as, unemployment, homelessness, addiction, mental challenges etc. The same judge who yields the power to incarcerate can alternatively point people to resources in the community to meet the needs that are motivating unlawful behavior. It all has to do with how these individuals see things, and it's the council's job to determine whether they are serving with a biased or objective lens.

The composition of the Parole board should be varied and consist of diverse cultural backgrounds, disciplines and lived experiences. At least one of the seven seats should be reserved only for someone formally incarcerated, as they know first-hand the challenges of incarceration and reentry. The current composition of the Massachusetts parole board includes five out of the seven member seats filled with individuals with law-enforcement backgrounds, only one clinical psychologist and one seat vacant. It's no surprise then that our parole rates in Massachusetts remain

low. Candidates for the parole board should be committed to examining each potential parolee through a person-centered lens, taking into consideration any factors that are necessary to come to a just decision. However, this can only happen when individuals from various disciplines and backgrounds are appointed.

**4. What issues do you intend to prioritize during questioning in confirmation hearings?**

The issues I will prioritize include:

- Implicit Bias
- Understanding/experience regarding mental health issues
- Positions on bail
- Poverty
- Causes of crime
- Community resources
- Relevant work/educational experience

**5. What role can the Governor's Councilor play in helping to help end mass incarceration in Massachusetts?**

The Governor's Councilor, I believe, plays a significant role in ending mass incarceration in Massachusetts. By carefully screening every nominee on the prioritized issues above, giving preference to those who are representative of the communities they're appointed to and who understand the challenges of that community, we can create a more empathetic and diversion driven judicial system.

The Governor's Council also has a unique opportunity to advise the Governor, Lieutenant Governor and other members of the council on issues pertaining to racism and systemic inequalities and the impacts. With no one currently on the council with this type of lived experience, these conversations are not happening in any meaningful way and there have not been any major gains in diversifying the Massachusetts judicial system over the last several years. Until these conversations are a regular part of the judicial nominating process and Governor's Council meetings, no real progress can be made.

**6. Many people are unaware of the existence of the Governor's Council. How will you seek to increase transparency and civic engagement if elected?**

The fact that the Governor's Council is an elected seat suggests to me that the individuals elected to these positions are accountable to their constituency and votes should reflect the needs and wants of their constituency. In order to create greater awareness and more civic engagement in the judicial nominating process, if elected, I will remain in regular communication with and work closely with individual impacted, community organizations and other key stakeholders and seek input prior to a vote of approval or rejection. The exclusion of the public in decisions as heavy as who will serve our courtrooms has been harmful to already marginalized and oppressed populations. In order to change the existing disparities and create balance, those who have been impacted the most, and the organizations fighting for them, must be encouraged and invited to participate. To assume that the Governor's Council alone can make these decisions in the absence of the above-named groups is why I believe we have the obvious inequalities throughout our justice system today.

Lastly, I have all too often heard the argument that the Governor's Council is antiquated and should therefore be abolished. I wholeheartedly disagree with that for the fact to do so would give the sitting Governor full autonomy over the judicial nominating process and exclude any public involvement. Given the impact, importance and power judicial appointments have on communities, our voices must be expressed and heard throughout the process of nomination to appointment.