



PROGRESSIVE MASSACHUSETTS

2020 GOVERNOR'S COUNCIL QUESTIONNAIRE

Date: 1 August 2020

Candidate: Paul DePalo

Office Sought: Governor's Council District 7 (Central MA)

Party: Democrat

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Email questions to elections@progressivemass.com.

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

CONFIDENTIAL SECTION

Questions about Your Candidacy & Platform

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

Governor's Council is an 8-member body that approves our state judges, parole board members, and industrial accident board members. I'm running for this position quite simply because judges matter on a host of issues ranging from criminal justice, to juvenile justice, to women's rights, to LGBTQ rights, to periodic decisions of import, such as when the Supreme Judicial Court kept the Fair Share Amendment off of the ballot.

The three primary reasons I'm running:

- (1) We need to end the trauma-to-prison pipeline, and put kids appearing in our juvenile courts on paths of opportunity, not of incarceration. It's overwhelmingly disadvantaged kids, kids dealing with significant trauma and abuse, kids living in our foster system, who wind up referred to the courts (often for behavior that a child with a stable home life would merely be grounded for). Once in the system, consequences for typical teenage behavior escalate until we set these kids on a path of adult incarceration. We spend about \$60,000 per year to lock someone up in Massachusetts, whereas we could spend far less by putting kids on the right path early. It's a moral failure, an economic failure, and I'll fight for juvenile court judges who understand child development and are interested in addressing root causes of a child's behavior.
 - (2) We've been dealing with mental health and addiction crises for decades. Yet, under this Governor we've taken mental health experts off the parole board (down to only one). It's absurd. We need to get serious about the root causes that bring so many defendants into court. I'll insist on judges and parole board members who have expertise in mental health.
 - (3) We need to seize this moment of emerging consciousness of racial injustices: bring diversity to the bench (only one non-White judge in Central Massachusetts courts right now) and to the parole board (also nearly all white). This lack of diversity is especially troubling given that Blacks and Latinos are wildly disproportionately represented in our incarcerated population.
2. What prepares you serve in this capacity?
I'm an attorney and former Special Education teacher who developed and taught in alternative public school programming for kids with social and

emotional disabilities. So, I've worked with kids caught up in the system as both an attorney and an educator. Bringing additional life experience beyond being an attorney is an invaluable asset for serving on the Council.

I also have a demonstrable history of working to advance progressive causes and candidates, so voters can rest assured that I will not be perpetuating the patronage and rubber stamping typical of the Council as presently composed. (Note that this Governor has not had a single appointment rejected by the Council for any position, in spite of recent blatant patronage and appointees of dubious qualifications.)

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?
 - I will ask candidates about their jurisprudence in part by asking them to assess recent pivotal cases, such as the rejection of the Fair Share Amendment or aspects of the recent criminal justice reform package that may be under scrutiny or subject to disputed interpretations at the time of a candidate's appointment.
 - I believe that our Constitutions (state and federal) are living documents that express ideals that we continue to strive towards. An example is when the SJC ushered in same-sex marriage in the *Goodridge* decision. Like nearly all decisions of consequence, that was not a unanimous decision, and could easily have gone the other way with a different set of justices. Currently, 5 of the 7 justices on our SJC are Republican appointees (a 6th is due for appointment this Fall). I will look for judges with a progressive jurisprudence.
 - At some point, the Council needs to assert its power and refuse to confirm appointees until and unless the Governor brings forth diverse appointees. We have the highest Latino incarceration rate in the country. We incarcerate Blacks at far higher rates than Whites. A majority of kids in our juvenile courts are Black and Latino. It's a travesty that our judiciary doesn't reflect the communities of the litigants and defendants appearing before them. We also continue to lag in appointed women to the bench (we are at about 42% women right now).
 - I will ask every appointee about their understanding of implicit bias, and how they've attempted to identify and confront their own biases. I will ask them to explain the legacy of racial injustice in our courts

from their own perspectives. Have they engaged in anti-racist work or embedded such a philosophy into their professional endeavors?

- For appointees to our juvenile courts, I will probe their knowledge of child development and brain development. We need judges who are interested in using their often broad discretion to address root causes and strive to correct our sky-high recidivism rates.
- Likewise, the Council needs to assert its power in demanding mental health experts and diversity among parole board members.
- Litmus test? Obviously, appointees who have histories of racist, misogynist, homophobic, or other intolerant views will not receive my vote. Restrictive views on women's rights or civil liberties would also earn a "no" vote. And, as discussed in the bullet above, we need diversity. While I wouldn't vote against an appointee merely because they are White, I will vote against candidates until the Governor demonstrates a commitment to a judiciary that reflects the rich diversity of the Commonwealth (there is no shortage of brilliant, qualified non-White attorneys who would make excellent judges).

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

Please see response to Question 3 above.

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

This is crucial: the Councillors have not only the power of a public platform, but also tremendous power within their purview: with only 8 Councillors, every vote carries significant weight. For example, my vote on the Council were I to be elected would swing the Council towards insisting upon mental health experts rather than exclusively ex-prosecutors on the Parole Board. As I've discussed above, Councillors can insist upon judges who are interested in addressing root causes of systemic racism and mass incarceration. And, given my passion for juvenile justice, it's painfully obvious (and statistically demonstrable) that kids who land in the system are likely to land in jail as adults. Putting kids on paths of opportunity would reduce crime and thus reduce our incarcerated population in the long term.

It's also important to note that according to recent studies, Massachusetts has the lowest overall incarceration rate in the nation (albeit there is still significant room for improvement), yet the highest Latino incarceration rate. So, systemic racism is central to our mass incarceration. To iterate points I've made above,

judges who acknowledge, understand, and are committed to combating systemic racism can be powerful forces for systemic change.

Finally, judges have discretion within the judiciary to innovate and respond to changing dynamics in our communities. For example “drug courts” and other programs that emphasize diversion and treatment over incarceration should be expanded and improved, and forward-thinking judges can take the initiative to do so.

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?

Regarding transparency, there are presently huge barriers to holding the Council accountable. The lack of press coverage doesn’t help, but the Council itself contributes to the problem: meetings are not filmed. In fact, if not for a private citizen who attends hearings, records the audio on his phone, and posts them on the internet, there’d be no public record of the Council’s votes except for the book where they are recorded with the Council’s office. One literally needs to go to the statehouse and, on site and under supervision, review the Council’s book to find a Councillor’s particular votes. This needs to change.

Regarding increasing public knowledge of the office, I believe that my campaigning across this large district over the past three years has already made significant strides in this department. Most voters I encounter are learning about the Council for the first time. Our previous Trump-Republican incumbent (who my primary opponent was a top donor for) had very low name recognition and was basically not present within our communities. There remains significant work to do: as Councillor, I will use my platform to amplify issues that I already show up and work to support: racial justice, juvenile justice, public school funding, women’s rights, criminal justice reform, and progressive means of generating revenue for the state.