



**PROGRESSIVE MASSACHUSETTS**

**2020 SHERIFF QUESTIONNAIRE**

**Date:**

**Candidate:** Bill Phelan (William Phelan)

**Office Sought:** Norfolk County Sheriff

**Party:** Democrat

**Website:** <https://www.phelanforsheriff.com/>

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Email questions to [elections@progressivemass.com](mailto:elections@progressivemass.com).

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

## **Questions about Your Candidacy & Platform**

### **1. What values and beliefs govern your corrections philosophy?**

I believe that by providing inmates with HOPE for a better tomorrow by helping them rebuild their lives through humane rehabilitative care and comprehensive recovery programs that respect dignity, ensure fairness and advance racial equity we can help them, one at a time, overcome their personal obstacles and become productive and by doing so strengthen communities and most importantly promote public safety.

As Norfolk County Sheriff, my vision is to provide a continuum of services before, during and after incarceration delivered with compassion and dignity in a safe environment.

### **2. What are your qualifications for being sheriff?**

I am a Husband, Father, former Mayor, former Town Administrator, former school committee member, and practicing attorney. As a Criminal Defense and general practitioner I have tried cases in District Court, Superior Court Probate Court, Federal Court and argued cases in the State Appellate Court as well as the Supreme Judicial Court.

As Mayor and School Committee member I have helped develop special education programs as well as drop out prevention programs. I also implemented a nationally recognized ten year plan to end chronic homelessness. In addition, as former mayor and former town manager, I have executive leadership experience and fiscal management skills. During my three terms as mayor of Quincy, I was a reformer who introduced zero-based budgeting and eliminated a \$5 million budget deficit. I reduced the city's payroll by 20% through attrition and without layoffs. I created a comprehensive plan for the redevelopment of Quincy's downtown and re-negotiated a lease with a golf course on public land that gave the city a larger share of the club's gross revenue. I improved the city's bond rating. After I left the mayor's office, I was recruited to serve as Town Administrator in Holbrook, a position I held for four years.

I have seen first-hand that access to education and training is critical to empowering people to be self-sufficient. When I served on the Quincy School Committee I expanded resources for teachers to help students who learn differently. I pioneered the creation of The Literacy Program, which over 20 years has helped tens of thousands of Quincy Public School students succeed academically.

From my volunteer work, I know how profoundly life-changing it can be when you show someone that you care. I worked as a counselor for the Massachusetts Department of Youth Services, mentoring

at-risk youth. I volunteer as a mentor and have spent many hours coaching youth basketball and baseball. I have also served on the board of Father Bill's Place and Mainspring.

**3. What policies and programs of the current sheriff would you eliminate or change and why, and what new policies would you add? Please address the following areas:**

- a. Educational opportunities
- b. Employment and job training
- c. Personal growth (parenting, anti-violence, etc.)
- d. Any other anti-recidivism measures
- e. Informing detainees and inmates of their voting rights, and (for felons) their post-sentence voting rights
- f. Addiction (see also specific questions below)

Rather than comment on what the current sheriff may or may not be doing I would point out that the current recidivism rate of reincarceration within three years of release is approximately 50%. I believe we can do better. My vision for a continuum of services before, during and after incarceration includes the following programs:

**Before incarceration**

1. Crime prevention programs, including programs for at-risk youth
2. Substance use disorder, alcohol use disorder and mental health treatment programs, through outside providers, that incentivize successful participation through the possibility of earning a bail review hearing to petition for pre-trial release
3. Jail diversion programs that send those with substance abuse disorders and in mental health crisis into treatment instead of custody

**During incarceration**

1. Improved intake procedures so that inmate medical and health information is obtained in a timely fashion, avoiding interruptions in treatment
2. A task force of medical and public health experts to review facilities and procedures to identify and correct potential opportunities for disease transmission in the jail
3. Age-appropriate training and services for young adult inmates aged 18 to 25, whose brains have not fully developed
4. Elimination of highly inflated charges for phone calls and improved access to telephones
5. High quality substance use disorder, alcohol use disorder, and mental health treatment delivered through partnerships with outside program providers
6. Peer counseling and mentoring programs with community groups that create a bridge to the outside world
7. Apprenticeship feeder programs in partnership with local trade unions to help inmates find employment upon their release
8. Earned credit for community service work to defray court fees in order to encourage compliance with court obligations after incarceration
9. GED preparation and test administration
10. Access to college level classes for inmates and staff through partnerships with local academic institutions
11. Improved access to reading material

## **After incarceration**

1. An aftercare plan for every inmate that includes housing, employment counseling, access to education, medical care, substance use disorder treatment, mental health treatment and programs to help newly released people comply with court and probation requirements
2. Step-down programs that prepare those who are completing their sentence outside of jail to re-enter the community
3. Partnerships with local businesses to identify recovery-friendly workplaces to employ released inmates

You can read my full platform on my website at <https://www.phelanforsheriff.com/issues>

### **4. Transparency: If elected, will you commit to issuing annual reports that include basic statistics on detainees and inmates? Will you also commit to issuing annual reports covering the following?**

- a. information on public accreditation findings
- b. Prison Rape Elimination Act audits
- c. suicides
- d. claims of abuse and lawsuits against the sheriff's department (whether filed by prisoners, employees, attorneys or family members)?

I welcome the opportunity to provide information to the public about the operations at the jail. Of course, the federal Prison Rape Elimination Act already mandates that PREA audit reports are public information. As Sheriff, I will share public accreditation findings, information about suicides, subject to the limitations imposed by privacy laws, and any claims of abuse or lawsuits against the sheriff's department, subject also to limitations imposed by privacy laws, especially those that protect complainants.

### **5. What professional experience do you have with addicts and addiction, and how would you describe your attitude toward addiction?**

My years as an attorney practicing criminal law and family law has provided me with experience seeking services for clients in need. My experience as a board member of Father Bill's Place a homeless shelter has also provided me with insight and experience with addiction. I also have personal experience relating to recovery and substance use disorder relating to family and friends. I would describe my attitude toward addiction as one of tolerance and understanding.

Substance use disorder is a disease that requires treatment from professionals who understand how to treat the physical mechanism of addiction and from clinicians who can provide the emotional support that those suffering from the disorder need to become well. Some studies have estimated that nearly two-thirds of people who are incarcerated in the United States have substance use disorder. This disease must be treated during incarceration. Sadly, we have seen what happens when substance use disorder is not treated during incarceration. The opioid-related overdose death rate is 120 times higher for people released from Massachusetts prisons and jails than for the rest of the population.

I do not support the incarceration of people with substance use disorder under Massachusetts General Laws Chapter 123, sec 35. Involuntary commitments have increased dramatically during the opioid crisis. Because of a dearth of beds in treatment centers, Massachusetts appears to be the only state that uses Department of Correction facilities for some involuntary commitments. Not surprisingly,

people who are involuntarily committed under Section 35 have a very high rate of relapse. This program is not working for people with substance use disorder.

*In questions 6-9 the word "support," means willing to publicly endorse and publicly and privately encourage the legislature to act. Add any qualifications to your support, as needed.*

**6. For people who have not been convicted of any offense, do you support a policy of having them be detained in a community-based healthcare facility (absent specific individualized issues)?**

Yes, I support jail diversion programs that send those with substance use disorders and in mental health crises into treatment instead of custody.

**7. Do you support the option of medical treatments for addiction, such as methadone and buprenorphine, under appropriate medical supervision and where considered appropriate?**

Yes but also believe that such treatment must be carefully monitored. The pilot program to offer medication assisted treatment in seven Massachusetts jails, including Norfolk County jail, was included in 2018 legislation and implemented in fiscal year 2020. It is still too early to evaluate the results. Some states, such as New York, have seen a notable drop in recidivism following implementation of medication-assisted treatment protocols. Because there is evidence from other states that medication assisted treatment reduces relapse and saves lives, I support this option, but my view is that medication should be part of an overall substance use disorder treatment plan, which must also include a holistic suite of services to help people stay off of drugs when they re-enter society. The key statistic which swayed my opinion regarding this treatment is the high rate of overdose deaths for individuals recently released from custody. (individuals recently released from custody are 120 times likely to die of an overdose compared to the rest of the adult population.)

**8. Do you support the option of safe injection of drugs, including heroin, for addicts under appropriate medical supervision and where considered appropriate?**

I do not support the option of safe injection of illegal drugs in jail. FDA approved drugs for substance use disorder are heavily regulated to insure their quality and dosage. The same is not true for illegal drugs. The risk of overdose and other adverse reactions from the use of illegal drugs is significant. Provided that the jail offers medication assisted treatment, there should not be a need for safe injection of illegal drugs.

**9. Do you support the elimination of cash bail unless individual findings are made that the detainee is a flight risk? Are there other situations in which you believe cash bail is appropriate?**

Yes, I think Massachusetts needs additional bail reform. We have seen that there are gender and racial disparities in how bail is set. I believe the bail system is one area where systemic racism results. Cash bail is for the sole purpose of ensuring an individual returns to court. There are other ways (electronic monitoring) that can track people when necessary. Statistics show that non white individuals are consistently held on higher bail amounts than their white counterparts. That is simply unacceptable. If the individual is a danger to society there is already a law in place that allows for the District Attorney to request the individual be held without bail as a dangerous person pending trial.

**10. What are your views on isolating prisoners (sometimes called solitary confinement) as punishment for violating rules both generally and with respect to the specific changes required by the CJR Bill which are being circumvented in many cases?**

There are times when solitary confinement is appropriate, but I believe that solitary confinement should be reserved for only those inmates who have committed the most serious offenses and those who pose a serious risk to themselves, other inmates and staff at the jail. The provisions addressing solitary confinement in the Criminal Justice Reform Bill are vague and easily circumvented, sometimes by simply using different naming conventions, for example by calling solitary confinement "treatment." One of the provisions that is routinely flouted is the requirement that solitary confinement cases be reviewed every 90 days to see if the inmate might be ready to return early to the general population. As Sheriff, I will fill in the gaps created by the vague language of the Criminal Justice Reform bill so that solitary confinement is used appropriately and humanely.

I would treat emerging adults ages 18-26 differently than the rest of the population in relation to solitary confinement. I would resort to such confinement only when absolutely necessary due to an imminent danger and for only so long as the imminent danger exists. Emerging adult's brains are still developing and studies have shown that this population suffers more serious adverse reactions to solitary confinement than the rest of the population.

**11. The Norfolk County Sheriff's Office currently does not have a 287(g) agreement with the federal government, i.e., the name for agreements in which corrections officers are trained as federal ICE agents. Do you intend to keep the Office out of this program?**

In a world of limited resources, the Sheriff's time and effort is best spent helping people rebuild their lives so that they do not come back to jail. Diverting resources to other pursuits will not help us achieve our mission of helping people rebuild their lives through humane rehabilitative care and comprehensive recovery programs. Moreover, the skills and training required to be an excellent Correctional Officer differ substantially from those required to be a federal ICE agent. My vision is to provide Correctional Officers with continuing and substantial opportunities to increase and update the skills that make them highly valued professionals within the jail. Their efforts should be focused there.

**12. Has a complaint or lawsuit ever been filed against you for excessive force, a civil rights violation, discrimination, or abuse of your authority? If so, please provide details and the outcome of the complaint/lawsuit.**

No.