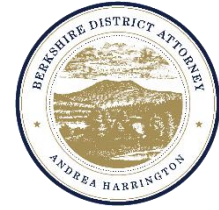




# The Commonwealth of Massachusetts

## BERKSHIRE DISTRICT ATTORNEY



7 North Street • P.O. BOX 1969  
Pittsfield, MA 01201  
(413)443-6951

**ANDREA HARRINGTON**

DISTRICT ATTORNEY

### **FOR IMMEDIATE RELEASE**

June 11, 2021

**Contact:** Andy McKeever 413-443-5951 ext. 120 or 413-281-4757

### **District Attorney Andrea Harrington's Statement On Defense Attorneys' Recent Concerns**

District Attorney Andrea Harrington issues the following response to concerns recently raised by some defense attorneys regarding a letter she addressed to Chief Justice Dawley about the treatment of victims and prosecutors in the local courts.

"I understand that being in a public position requires that I accept criticism, and I am listening. I have a responsibility to do what I can to stand up for victims of crime and ensure public safety. I spoke out in this instance out of deep concern for victims of domestic abuse and gender-based violence, whom our larger justice system has often disempowered and disregarded.

While I disagree that this was improper ex parte communication, I understand the concerns raised by the MACDL and CPCS about the separation of power. As a former MACDL member and former state public defender, and I am sympathetic to their frustrations.

I remain committed to working in good faith with those in the legal community.

Additionally, some local defense attorneys have recently publicized their concerns about our prosecution policies.

When I ran for this office, I understood that I was challenging the long-term status quo in Berkshire County and that those who benefit from the existing local power structure would push back. The same thing is happening to my colleagues in jurisdictions across the country who are using the position of the elected district attorney to spearhead justice reform.

I accept that significant change can bring discomfort, tension, and conflict.

I am proud of the changes we have made, particularly around eliminating cash bail to ensure due process does not come with a price tag. Individuals credibly accused of violent crimes are

represented by counsel at dangerousness hearings when a judge ultimately determines their pretrial incarceration status. We make these requests in only 3% of our cases.

This is a major innovation and a much fairer process than using high cash bail to detain people pretrial.

Our open discovery and formal Brady policy demonstrate my commitment to fair prosecution. We opt for treatment over jail for those with mental health or substance use needs, and we avoid overly prosecuting low-level cases.

Since I have taken office, the Berkshire County Jail and House of Correction population has decreased by approximately a third and is predominately comprised of people who have committed or are credibly accused of committing violent crimes and firearms offenses.

I am hopeful that the local justice partners most accustomed to a traditionalist approach to prosecution will come to recognize that this approach can reduce crime, ensure the safety of victims, and provide the necessary medical treatment for those with substance use disorder. Collectively, we can create a more humanizing and fair justice system.”