

RACHAEL ROLLINS
GENERAL QUESTIONS & MY ANSWERS

1. There are currently 250+ employees working at the SCDAO who are going to have to be re-trained and led to the reform and change of culture needed in the office. Part of that culture shift starts with a move away from rewarding wins and losses, and toward rewarding fair and just outcomes, one case at a time. As the next DA, I will keep and get communities safe and seek justice for victims. Under my leadership, prosecution will be only one of the many tools we will use to make this happen.

My lived, legal, and leadership experiences uniquely prepare me to be the most qualified and best equipped candidate to shift the culture within the SCDAO.

Unique Lived Experience: I am a 47 year old, black woman. I am a mother and the oldest of five siblings. I have family members that have been incarcerated. I have legal custody of 2 of my nieces due to the opioid crisis and mental health issues. All of these lived experiences directly impact my life on a daily basis. I will bring these experiences to the DA's Office.

Additionally, some of the communities within Suffolk County that feel over-policed and over-prosecuted, while at the same time neglected, ignored and/or blamed with respect to violence in their communities, will now have a voice within, and access to, the SCDAO under my leadership. Their (as well as everyone

else's) comments, complaints and suggestions will be heard and addressed.

Relevant Legal Experience: I have been a practicing lawyer for 20+ years. Over half of that time, 11 years, has been spent as both a prosecutor and as a criminal defense attorney.

a. **Prosecutorial Experience:** I have 7 years of experience being a prosecutor. The majority of the time was in the federal system prosecuting and defending civil cases. Throughout my legal career, I have handled virtually every type of case that the SCDAO prosecutes (death investigations, appeals, sexual assault and child protection, domestic violence, narcotics, firearms, trespass, civil rights violations, restraining orders, OUI, ABDW, etc.) and have personally presented cases to the grand jury. I have prosecuted both civil and criminal cases, including asset forfeiture matters. And, while I was at the US Attorney's Office, I served in the Civil Rights Unit.

b. **Criminal Defense Attorney Experience:** During the 4+ years that I was an associate at the law firm of Bingham McCutchen, I defended clients charged with crimes in state and federal courts throughout Massachusetts, from representing individuals and entities that received subpoenas from the state and federal government, to representing individuals charged with federal firearm and narcotics charges.

Actual Leadership Experience: As the General Counsel of the MBTA and the Massachusetts Department of Transportation, I supervised 150+ people (lawyers, professionals, para-professionals, and administrators) in over 6 departments (legal, audit, labor, HR, diversity and civil rights). I managed these employees through large cultural and systemic shifts, like going from independent to shared services between the two agencies in the HR, IT and Legal functions.

I also managed and oversaw the (then) largest procurement in the history of the Commonwealth (the Commuter Rail Procurement) and had to supervise large internal and external groups through that complicated and difficult process. As the General Counsel of the MBTA, I personally oversaw and managed thousands of matters and cases per year.

I have also served as the Chief Legal Counsel of Massport. In that role, I handled incredibly high stakes transactions (nearly \$1 billion real estate transaction) and crisis oversight, investigation and management involving deaths (oversaw the NTSB investigation into a plane crash at Massport that instantly killed 7 people). The DA needs to have real experience overseeing an incredibly large caseload involving high stakes matters. I do.

2. The current SCDAO has several shortcomings, the most important of which are that it: has over 1000 unsolved homicides; refuses to acknowledge or take any responsibility for the racial and economic disparities in the criminal justice system; operates in complete secrecy; and does not reflect the

rich and varied diversity of Suffolk County. I believe these four things are related and intend to focus the majority of my attention on changing them when I am elected. Once we acknowledge our roll in the flawed process, we can start changing it.

One concrete example of another improvement I intend to implement that will change outcomes is requiring that a seasoned ADA review each application for criminal complaint the police file in the Clerk's office BEFORE any probable cause hearing occurs. This way, a lawyer will determine if the police report actually contains facts necessary to supporting the charges alleged in the application. As we all know, police are often not lawyers, and Clerks are not required to be lawyers. By implementing this process, an ADA can reject and dismiss any charges not supported by facts in the police report and the Clerk can then determine if there is probable cause for any remaining, factually supported charges. We will also capture all of the data surrounding any rejected and dismissed charges from any application.

I intend to have full transparency and release data, like State's Attorney Kim Foxx recently did in Cook County, Chicago. I also intend to have quarterly meetings inside of the communities of Suffolk County to report out on what we are focusing on and then listening to the community about what we need to focus on and the things we need to continue to do and to change.

Finally, as a black woman, who has been committed to hiring qualified, diverse people throughout my entire management career (and not just in administrative, entry or “field” positions), I will utilize my many resources - as the former President of the Massachusetts Black Lawyers Association, a Massachusetts Lawyers Weekly Top Women in the Law recipient, a Greater Boston Chamber of Commerce 40-Under-40 Award recipient, a Boston Business Journal Ten Outstanding Young Leader Award recipient, a member of Attorney General Healey’s Advisory Committee on Racial Justice and Equity - each of which has introduced me to exceptional business and community leaders that I remain in contact with today, to recruit, hire, train and support the exceptional employees currently in, and that will be joining or re-joining, the SCDAO.

3. According to the 2015 Annual Report from the Massachusetts Department of Corrections, the DOC population declined for a fourth straight year, dropping 15% between January 1, 2012 and January 1, 2016. As DA, I intend to continue this downward trend by setting and fostering a culture where addiction, mental illness and poverty are no longer criminalized. Diversion, restorative justice and creative solutions that result in the community being made whole and remaining safe will be rewarded and modeled. Of the current female population in DOC, 70% had open mental health cases, 13% had a serious mental illness and 56% were on psychotropic medication. Mental illness is a real problem and we need to get people services, not sentences.

But we can't exclusively focus on non-violent offenders. We need to start having hard conversations about violent offenders and what we are doing to make sure that when they return to the community they have the tools necessary to re-enter successfully. Every month, the DOC releases an average of 277 individuals back into communities across the Commonwealth.

REDUCING INCARCERATION: With respect to reducing the number of people that are incarcerated, I intend to decline prosecuting minor offenses, which make up a large portion of the approximately 35,000 case the SCDAO handles per year. We have seen this happening around the country, DA Cy Vance in Manhattan, New York has stopped prosecuting subway turnstile jumping and DA Kim Ogg in Houston, Texas has stopped prosecuting low-level marijuana offenses. We can and will certainly follow suit.

I also intend to clear existing bench warrants for minor offenses (e.g., drinking in public, traffic tickets). Several DA's in New York did this recently and eliminated approximately 664,000 warrants that were over 10 years old for misdemeanors and petty crimes.

According to FBI data from 2016 regarding the cities within Suffolk County, the overwhelming majority of the approximately 35,000 crimes committed would be characterized as non-violent. With non-violent crimes, we need to think about the cost benefit analysis of incarcerating someone for their behavior as opposed to diverting them into a program or having

them participate in a restorative justice process while making the victim whole.

REDUCING RECIDIVISM: With respect to reducing the recidivism rate, I am proud of the research I did with Masshousing and MassINC on Re-entry Housing. There are currently 11 housing authorities in the United States that allow re-entering residents with felonies to live in public housing. As DA, I want to work on having Boston, Chelsea, Winthrop and Revere start pilot programs to increase that number.

When people returning from incarceration cannot get a job with a living wage, or find housing, we cannot be surprised when they revert back to old behaviors.

We need a DA that understands she must speak out and educate the public about these issues. We need a DA that has strong connections and ties with business and industry leaders to get the right people in a room to make necessary changes. Jobs for people with CORIs don't just happen without people working to make it happen. We need to be deliberate about talking to CEOs and business leaders in Suffolk County about hiring people with CORIs. In my previous roles within the Commonwealth, I have strong ties to both the democratic and republican leadership and have already started some of these hard conversations. I have volunteered and worked with the CARE and RESTART programs in the federal system and have held job fairs and job interview skills workshops for returning citizens. We need to start implementing these practices on the state side as well.

I have been speaking to Kevin Sibley in the City of Boston's Office of Returning Citizens to think creatively about how we better transition individuals so they are successful when they return to and re-enter the community. Success to me is defined by getting housing, employment, and wraparound services in place to make sure that these individuals are supported and succeed, rather than abandoned and left to go back to bad practices.

Over the last few years I have worked with Pauline Quirion at GBLS on CORI reform and Re-Entry Issues. After I was appointed to Attorney General Maura Healey's Advisory Council on Racial Justice and Equity, Pauline and I started working more closely together. Over the last several months we have had numerous discussions on CORI and III (Interstate Identification Index) reform and our conversations continue.

4. I am personally impacted by the opioid crisis and substance abuse disorders. As a result of addiction within my family, I currently have custody, with DCF oversight, of my two nieces. We need to treat substance abuse as the health issue that it is. Many communities, however, are justifiably outraged because when the crack cocaine epidemic was ravaging through black and brown communities, substance abuse and addiction was criminalized. Now that many of the individuals struggling with substance abuse disorder are white and come from more affluent communities, the Governor, elected officials and law enforcement are rallying and scrambling for services and compassion. I completely understand that tackling these issues

is not easy. But it needs to be said that the juxtaposition of these two realities is part of the reason why many communities of color have a complete distrust of law enforcement, the government and the DA's Office. Additionally, diversity within those organizations is non-existent.

Ideally, we would divert anyone with a substance abuse disorder to a program where they can receive the rehabilitative wraparound services that they need to tackle their addiction. In the instances where diversion is not appropriate and an individual with a substance abuse disorder is arrested and detained in the Suffolk County House of Correction, they do not receive buprenorphine (suboxone) or addiction medication. If they really have a substance abuse disorder, why are they not receiving medication. If that same individual had diabetes, they would receive insulin. Why is addiction treated differently?

We need a DA that is going to have hard conversations with the Governor, his Secretary and the Sheriff of Suffolk County about how people behind the wall struggling with a substance abuse disorder are treated and what rehabilitative services they are going to receive while detained.

5. Commissioners, Mayors and Police Chiefs love telling us that crime is down. If that is in fact true, we need to shine a bright light on how much money the Sheriffs are spending on there workforce. According to several well researched MassINC articles, labor costs for Sheriff's Departments are on the rise,

while crime and incarceration rates are trending downward. If we reduce labor costs in the Sheriff's Departments we can capture those savings and hopefully put them toward much needed mental health treatment.

I am also a big proponent of having specialty courts and believe a mental health court should be considered.

6. I intend to speak frequently to the public about the fact that public safety can be achieved by being "smart" on crime. With an active, educated and involved community, we can discuss the pros and cons of restorative justice, we can learn about or create other diversionary opportunities for disruptive individuals within the community. As DA, I can work with Probation, CPCS and the Judiciary to think about and increase some of the diversionary programs currently offered.

In addition to speaking to the community - in the community - during my quarterly State of the SCDAO meetings, I will also be speaking to elementary, middle and high schools about the office and what we do, job opportunities and expectations for safety within our communities.

RACIAL JUSTICE

1. Yes. We need to end mass incarceration and racial disparities and the DA's Office plays a critical role in that process. The incarceration rate in America is the highest in world. While the

US represents approximately 5% of the world's population, we house approximately 25% of the world's prisoners.

In Massachusetts, black and brown residents make up approximately 17% of the overall population, but account for approximately 50% of those currently incarcerated.

Unfortunately, in Massachusetts we have historically criminalized poverty, mental illness and addiction. With the recent passing of the criminal justice reform bill, important steps have been taken to divert many of those individuals out of the criminal justice system and into the social services they so desperately need.

We currently have very little racial diversity within the SCDAO. One of the units that incarcerates the most black and brown men, is the Gang Unit. It is second only to the Homicide Unit for longest sentences imposed. A tactic I have repeatedly been told that the Gang Unit utilizes to extract plea deals from these (often) young black and brown men, is to subpoena the women in their lives (girlfriends, mothers, sisters, wives) and when they do not cooperate or show up, issue a warrant and incarcerate them, if necessary. Under the guise of "keeping a community safe" the Gang Unit's behavior has generational impacts on families. If that girlfriend, sister, mother or wife is detained and they have children, DCF may become involved in the families life. If she is detained for more than a day, she may lose her job. The collateral consequences are enormous.

I intend to have the SCDAO begin focusing on economic crimes and employers that are targeting, misusing and mistreating their employees (wage theft), or individuals that are targeting our elders and committing hate crimes. When communities start seeing a fair and equitable distribution of assets and intel on all types of matters that impact them every day (violence, theft, fraud, racism, hatred) they will know that the SCDAO is working for them.

2. I envision a SCDAO where the approximately 275 employees, the interns, the various consultants and the vendors across every unit and function, adequately reflect the rich, varied and multi-lingual populations of Suffolk County. Some of the ways we will value inclusion is by having employees, interns, consultants and vendors that represent the various age ranges and generations, abilities, spoken languages, nationalities, orientations, genders, races, veteran and service statuses, cultures, levels of formerly or currently incarcerated statuses, skills and life experiences of the people of Suffolk County.

As previously stated, I am a black woman who has been committed to hiring qualified, diverse people throughout my entire management career. I will utilize my many resources - as the former President of the Massachusetts Black Lawyers Association, and the recipient of numerous awards due to my decades of community service within Suffolk County - each of which has introduced me to exceptional business and community leaders that I remain in contact with today, to recruit,

hire, train and support exceptional, diverse, multi-lingual employees throughout the SCDAO.

3. Yes.

TRANSPARENCY

1) My understanding of the office is that data collection in the early and initiation phase of a criminal case is currently lacking and data collection at the end of the criminal process is more robust. I heard a rumor that during Aaron Hernandez's double homicide trial, the current DA spent approximately \$50,000 on computers for jurors to see exhibits and documents during the trial. As we all know, that trial resulted in acquittals. Irrespective of the result, that money could have been better spent procuring hand held devices that ADA's can enter demographic and relevant procedural data into regarding their cases while sitting in court.

Further, when I become DA, I want work toward having a uniform data collection model for all of the 11 DAs throughout Massachusetts.

2. Yes.

3. Yes.

ACCOUNTABILITY

1. With respect to signing overtime slips, we need look no further than the scandals involving the State Police. ADA's will be reminded that any phantom slip that they sign will have administrative, reporting, disciplinary and potentially prosecutable impacts.

With respect to officer involved shootings, I am the first candidate that has spoken on having an external and diverse groups of former prosecutors, criminal defense attorneys, retired judges and retired law enforcement officers that will be investigating those cases and reporting their findings directly to me, the DA. Having that function handled in-house, by the same ADAs that work hand in hand with the police on all the criminal matters we handle results in an assumption of bias in favor of the police and further solidifies strained relationships with several communities throughout Suffolk County.

2. I believe in Open File Discovery. We need to investigate cases early in the process and turn over information to the defense as soon as we have it. I am strongly in favor of having a criminal defense attorney in charge of all Brady related issues in our office. Further, our policy will be that in order to remove records or documents from the file, ADAs must get sign-off from a supervisor.

3. I am fortunate to have the endorsements of Harvard Law School Professor and Director of the Harvard Criminal Justice

Institute Ronald Sullivan, former Suffolk County ADA and Founder of Prosecutor Impact Adam Foss, Criminal Justice Activist Shaun King and the Real Justice PAC, and Democracy for America. With these endorsements come access to DA's across the country that are currently changing the system as we know it. I have spoke to DA Larry Krasner and State's Attorney Kim Foxx about their policies and their positions on all of the issues we are addressing within this questionnaire.

Professor Sullivan has created Conviction Integrity Units across the country and I have already spoken to him about working on the one in the SCDAO. I believe that the individuals in that Unit are separate and apart from an Appeals Unit. Those are two completely different functions. And, I also believe that the Conviction Integrity Unit should and could operate very similarly to the Officer Involved Shooting group that I have discussed - with reporting structure directly to me.

COMMUNITY ENGAGEMENT

1. Yes.
2.
 1. Prosecutor Impact
 2. College Bound Dorchester
 3. Community Resources for Justice
 4. Operation Exit
 5. Roca

3.
 1. Victims Compensation & Assistance Division, Attorney General's Office
 2. Casa Myrna
 3. Louise D. Brown Peace Institute
 4. Arbour Counseling Services
 5. Children's Advocacy Center of Suffolk County

4. I have said since the beginning, I have family members that have been incarcerated. I have family members that struggle with opioid addiction. I am the guardian of my two nieces as a result of these very issues and mental illness. The people closest to the problem are often the same people that can come up with the best solutions. I intend to hire people with CORIs and also have them serve on my various Advisory Committees in leadership roles, if they will have them.

5. Deportation is a federal function. However, often times, criminal activity at the state or local level triggers or results in federal involvement, which could have the devastating impact of initiating deportation proceedings or enforcing a deportation order.

I have said from the beginning, I will instruct every ADA and staff member that if they see ICE or any federal agent detaining or arresting someone in or near a Suffolk County Courthouse, they are to call me, the DA, immediately. I will go to the federal courthouse and speak to the US Attorney about having that Suffolk County resident returned to Suffolk County. If Suffolk County residents think they will be deported if they show up to court, it does not keep our community safe. This will result in

people refusing to report crimes that they are the victim of, witnessed, or have information regarding. The DA is responsible for keeping communities safe and getting justice for victims. I pledge to do so.

PRIVACY

1. Yes.
 2. Yes.
 3. Yes.
 4. Yes.
-

BAIL

1. Yes. To assure that the Dangerousness Hearing will not be misused, I will require ADAs to receive sign-off from a superior when they are seeking a Dangerousness Hearing. This data will be captured and the reason for the hearing will be in writing and will require supervisory sign-off. If we implement policies and procedures whereby on certain offense will require a Dangerousness Hearing, those will supersede this written answer.

2. Priority #1. Cash bail should not be requested for any offenses that are at the state sentencing guideline 3 or below. This way, we are borrowing from the sentencing guidelines which were designed by a highly qualified mix of practitioners and judges from across the state. This is consistent with my running theme of having a body of practitioners from across criminal law advising me on particular issues.

Priority #2. In the circumstances where cash bail is appropriate for a low level offense because of the specific circumstances of the case, cash bail can still be sought but through a process that allows for input from experienced ADAs. Line ADAs will be required to obtain supervisory permission to request a cash bail for any offense that is at sentencing guideline 3 or below. This will come closer to ensuring that pre-sentencing incarceration is only sought where the ADAs would actually intend to ask for jail time at sentencing.

Priority #3. Mandatory training for all of my ADAs and staff of the collateral consequences of poverty, the racial disparities in the system, and an actual day spent inside of the HOCs, DOCs and other facilities that people are sent to when we make our decisions.

PAROLE

1. Yes.

JUVENILE JUSTICE

1. Yes.

2. I believe in the brain science proving that young people mature and develop until they are 24 to 25 years old. I like the idea of a Young Adult Court. I prefer alternatives to incarceration for non-violent offenses. I support Sheriffs that have separate units for young adults and will be vocal about making sure those promised changes are in fact implemented. I also want to be vocal about getting the young people of Suffolk County employment and training opportunities, as well as access to all of the green spaces and beautiful places across our County. It is heart wrenching that there are young people in Suffolk County that haven't had access to or visited our State House, the ocean, the Aquarium, the Museum of Science, Fenway Park, the Franklin Park Zoo. We need to commit resources to our youth while they are alive and free. Our HOCs and DOCs run and are staffed better than our schools. That is a serious problem.

MANDATORY MINIMUMS

1. Yes. Luckily, the new Criminal Justice Laws speak to this very issue and have repealed several mandatory minimums. Unfortunately, the laws added new mandatory minimums for additional offenses.

Mandatory minimums are attached to the crimes that people are charged with. In the overwhelming majority of cases in District Courts, police or a clerk magistrate are proposing the charges and ADAs are falling in line with what they are proposing.

I am interested in my ADAs investigating prior to moving for a case to be formally arraigned. This actually happens all the time in juvenile court. Arraignments get continued for weeks in order for the ADA to learn more about the offense and victim's cooperation (understand family dynamics, or contact ELMO to see if GPS would show client was present, etc.) All an ADA needs is probable cause to arraign, but the DA's office should do more than what is minimally required; because arraigning someone, putting an entry on their record and entering them into the CJS can have very serious ramifications in the person's life - even if no conviction is ever entered. This stage of the process, which routinely happens so casually and all too quickly, should be slowed down. ADAs should be making thoughtful decisions about whether to arraign a case, rather than automatically moving to arraign every thing that comes before them. Further, if there is a mandatory minimum attached to the charge, they need to think about all of the collateral consequences that attach based on the crime charged.

Victims would benefit by new process because they will feel heard by the DA's office at the very outset of the case. Defendants would benefit from being able to avoid unnecessary arraignments (i.e., arraignments that eventually hit a DWOP at trial). This would help reduce case loads for everyone. It may also have the long term effect of officers not arresting

individuals for certain offenses because they know it won't get arraigned. The impact could be system-wide.

CRIMINAL LAW REFORM

1. Yes.
2. Yes.
3. Yes.

Thank you.

Rachael Rollins