

Justice For Massachusetts  
**RACHAEL ROLLINS**  
2018 DA Candidate Questionnaire

**Candidate Name: RACHAEL ROLLINS**

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**Social Media**

Facebook page: [rollins4da](https://www.facebook.com/rollins4da)

Twitter handle: [@rollins4da](https://twitter.com/rollins4da)

**Grass Roots Support**

List grassroots leaders/Organizations that are supporting your candidacy:

**Local Grassroots Leaders/Organizations Support & Endorsements**

1. [EMERGE Massachusetts \(Alumni\)](#)
2. [Justice Geraldine Hines \(Ret.\)](#), Massachusetts Supreme Judicial Court, Criminal Justice Reform Icon, drafter of the [Warren](#) decision (ruling that black men avoiding the police may have a legitimate reason to do so based on the disproportionate number of police stops that they face in Boston) and the [Brangan](#) decision (ruling that in setting the amount of bail a judge must consider the defendant's financial ability to pay)
3. [Professor Ronald Sullivan](#), Harvard Law School, Director of the Criminal Justice Institute & Criminal Justice Reform Leader (Represented Aaron Hernandez, currently represents Selorm Ohene - the Harvard Student forcefully arrested by the Cambridge Police)
4. [Adam Foss, Esq.](#), Criminal Justice Reform Leader
5. [Horace Small](#), Executive Director and Founder, Union of Minority Neighborhoods
6. [Monica Cannon](#), Community Activist and Social Media Leader

**National Grassroots Organizations Endorsements**

1. [Democracy for America](#)
2. [Real Justice PAC](#)

**Please email responses to [justiceformassachusetts@gmail.com](mailto:justiceformassachusetts@gmail.com)  
If there are any questions, please call 617-722-4320**

**The Questionnaire is due April 27<sup>th</sup>**

In 2018, it is clearer than ever that our criminal justice system is damaging the lives and life chances of individuals and communities, especially individuals and communities of color. It is doing so at the expense of real community safety and at huge expense in public resources. Big change is needed if we are to have a system that truly serves justice. We believe DA's have a central role to play in making that change happen--both in setting policies for prosecution and in advocating for laws to reform our criminal justice system.

**General Questions**

- 1) What experience do you have that will prepare you to reshape the criminal justice system through the DA's office?

There are currently 250+ employees working at the SCDAO who are going to have to be re-trained and led to change the culture of that office. Part of that culture shift starts with a move away from rewarding wins and losses, to rewarding just outcomes, one case at a time. The more we divert individuals into the services that they need, as opposed to incarcerating them, the better that individual, and as a result our community, becomes.

This is how we reshape the criminal justice reform system through the DA's Office. My legal, leadership and lived experiences uniquely prepare me to be the right candidate to get us there.

1. **Relevant Legal Experience.** I have been a practicing lawyer for 20+ years. Over half of that time, 11 years, was spent as a prosecutor and as a criminal defense attorney. I have seen the criminal justice system from both sides and my resume gives me the credibility to walk into the SCDAO on day one and have the respect of the office.

a. *Prosecutorial Experience:* I have 7 years of experience being a state and a federal prosecutor. I have handled virtually every type of case that the SCDAO prosecutes (death investigations, appeals, sexual assault and child protection, domestic violence, narcotics, firearm possession and trafficking, trespass, civil rights violations, restraining orders, OUI, ABDW, larceny, etc.) and have personally presented cases to the grand jury.

b. *Criminal Defense Attorney Experience:* During the 4+ years that I was an associate at the Boston 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 individuals charged with federal firearm and narcotics charges.

2. **Relevant Leadership Experience:** As the General Counsel of the MBTA and the Massachusetts Department of Transportation, I supervised over 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 largest procurement in the history of the Commonwealth (the Commuter Rail Procurement) and had to supervise large internal and external groups in that cumbersome and difficult process. In both of these instances, I drafted and/or reviewed significant policies and procedures dictating and regulating the change process and expected outcomes.

Finally, as the General Counsel of the MBTA, I personally oversaw and managed thousands of cases per year. The SCDAO handles thousands of cases each year. The DA needs to have real experience overseeing a caseload of this size.

3. **Unique Lived Experience:** I am a black woman. One of my siblings is currently incarcerated. I have custody of 2 of my nieces due to the opioid crisis and mental health issues. All of these lived experiences, as opposed to the learned experiences of other candidates in this race, directly impact the

compassion and empathy I can offer as DA. Many of the communities that feel over-policed and over-prosecuted, but neglected and ignored with respect to their complaints about the system, will now have access to the SCDAO under my leadership. Their complaints and comments will be heard and addressed.

In conclusion, the DA must be able to implement the changes included in the new criminal justice reform legislation to truly shift the culture within to the office. That is just the first step. And, this is an incredibly difficult task that requires a proven leader with real experience in similar situations. I am that person and I welcome the challenge.

- 2) What do you think about the growing prison population? What role with your DA's office take in reducing it?

We need to end mass incarceration 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.

As DA, one of my primary goals will be to get people access to the services that they need, as an alternative to incarcerating them. Unfortunately, we see people at their worst, and often times defendants are themselves victims. In the instances where people face incarceration due to their behavior, I intend to seek less lengthy sentences in many circumstances.

- 3) What are your thoughts on the War on Drugs?

New evidence indicates that it was a set-up. A top aid to President Nixon, John Ehrlichman, has admitted that the War on Drugs was really an attack on the anti-war left and black people. Specifically, it was created to disrupt both of those communities. Unfortunately, much of the black community has never recovered from the mass incarceration and the other generational implications from this "War". Adding insult to injury, now that Massachusetts has legalized recreational marijuana and declared drug addiction a health issue (as opposed to when black and brown communities were ravaged with the crack epidemic

and addiction was criminalized), we see many people prospering from the very drugs that were at the heart of the “War”.

- 4) Do you believe there is under-representation of women or people of color working in the court system? If so, how would you work to correct the problem?

Absolutely. Our court system and the SCDAO do not appropriately reflect the rich diversity of Suffolk County. The current DA has no women or people of color in the five positions reporting directly to him (Chief of Staff, First Assistant, Chief Trial Counsel, Senior Counsel to the DA, and Legal Counsel) or in the Chief of Homicide or Chief of Superior Court Prosecution Units.

If elected, I will be the first woman and the first woman of color to be the Suffolk County DA. Representation matters and me being the DA immediately starts to correct the problem. I am also the former president of an Affinity Bar Association (Massachusetts Black Lawyers Association) and have significant contacts in the legal community having been appointed to the Judicial Nominating Commission by Governor Deval Patrick and been elected by my peers to serve a 3 year term on the Boston Bar Association Council. I also was appointed by Attorney General Maura Healey to serve on her Advisory Council on Racial Justice and Equity. These relationships can only benefit the SCDAO and assist me with increasing diversity and inclusion within the office.

- 5) Do you believe that all citizens have adequate access to legal help and the legal system? If not, what can be done to provide wider and better access?

No. As DA, I want to advocate for fully and further funding CPCS (state and local). The system doesn't work if people do not have access to competent and qualified counsel. Additionally, I will use the DA position to advocate for expanding community based legal services and opportunities.

- 6) What efforts will you take to increase language access for immigrants that's beyond the right to a court interpreter?

Our website will be available in multiple languages. I have already publicly stated that I will be implementing Quarterly meetings with the community. We will be holding those meetings across Suffolk County and will be bringing translators. Our office will be staffed with multi-lingual personnel. Diversity and fluency in other languages will be celebrated and encouraged.

- 7) What will you do to ensure that the community stays up to date on the changes you have made as District Attorney? How do you propose that the community should hold you accountable for the commitments you make during your campaign?

As stated, I will implement Quarterly Community Meetings that will be held across Suffolk County. During said meetings, I report out on the work the

SCDAO is doing (including data on number of cases, types of case, race and gender statistics, and community outreach). Transparency is important and I will be reporting out on the work of and the relevant statistics involving the SCDAO. I will also be listening to the concerns of the people and representatives of organizations within the Community. I intend to have community based advisory groups in each of the sections of Suffolk County.

I intend to speak openly about my commitments and policies and will put them in writing.

**Alternatives to incarceration:**

- 1) What specific types of programs (please give examples of programs in other jurisdictions) will you implement or expand to deal with issues of mental illness?

I have advocated for re-opening Long Island and will work with Mayor Walsh to think of creative ways to do so. The mental health crisis is currently out of control. DA Vance in NYC and Mayor de Blasio have used asset forfeiture funds to create programs that treat and address mental health issues, instead of trying to incarcerating their way to a solution. This could absolutely be considered as an option here. As stated, the current SCDA has a large sum of asset forfeiture funds that could be utilized for programs. I will also be seeking state and federal grants to fund innovative solutions with community input.

- 2) How do you plan to handle issues that arise with children in school ending up in court?

I have every intention of keeping school aged children's issues outside of the juvenile justice system. By using my role as DA to advocate for stronger school "wraparound" services, we can divert many students who are struggling away from the judicial system. And, for those students who do end up in Court, we can work on making the process more focused on their underlying issues rather than being punitive.

- 3) Will you commit to establishing and fully funding a pre-arraignment diversion program that allows people arrested for petty offenses, including low-level drug possession or sale, to get the help and support they need without needlessly exposing them to the consequences of a criminal conviction? If not what specific steps will you take to create avenues for defendants to be diverted away from criminal prosecution?

Yes.

- 4) Will you commit to expanding pre-trial services? Which services will you commit to expanding or developing?

Yes.

- 5) What percentage of your budget will you commit to establishing and supporting community vetted alternatives to incarceration?

The current DA only uses a fraction of the money on the community that he seizes from asset forfeiture. If elected, I will pledge to use the majority of the money in the current DA's forfeiture budget on this cause.

- 6) Will you commit to diverting or dismissing all simple possession drug cases?

Yes.

#### **Charging/Pre-Trial:**

- 1) Will you commit to not requesting cash bail in all misdemeanor and low-level felony cases?

Yes.

- 2) More and more youth are being held in adult jails before they even reach trial. As DA, what would you do to keep children out of the system?

Luckily, the newly enacted criminal justice reform law increases the age of entry into the criminal justice system from 7 to 12 years old. As previously stated, every effort will be made to divert children (18 and under) away from the criminal justice system and into the services necessary to address the underlying issue(s). I will also be vocal about the importance of reducing the school to prison pipeline and having adequate youth services and opportunities for communities frequently impacted by mass incarceration.

When youth are incarcerated, I want to advocate for a Young Offenders Unit similar to what the Middlesex County House of Corrections has implemented with separate units from the general population for individuals between the ages of 18-24 years old.

- 3) Tens of thousands of people are under correctional control for minor non-dangerous misdemeanor offenses. What will your office do to limit unnecessary criminal prosecution for those accused of minor non-dangerous offenses? Will your office commit to reducing the number of misdemeanors charged in cases where there is no threat to public safety?

Yes.

- 4) In many cases a minor criminal charge can have devastating immigration consequences. What will you do to work with our immigrant populations to ensure they are exposed to additional punitive consequences? Would your office commit to considering immigration consequences for defendants as part of determining what to charge? Additionally, would you institute guidance and education for your prosecutors to avoid extreme immigration penalties (i.e., deportation)? **If elected, I intend to implement a significant mandatory training for all new (and current) ADAs. In addition to implicit**

bias training (and all of the other trainings former ADA Adam Foss and I have discussed implementing) Suffolk County ADAs will also receive training on the immigration implications and consequences of our charging decisions, pleas and guilty verdicts. I will work with Professor Ronald Sullivan to create a Conviction Integrity Unit, like the one he created in Cook County Chicago for State's Attorney Kim Foxx.

- 5) Will your office create and share clear policies that detail when and why you will use sentencing enhancements? **Yes.**
- 6) Will your office commit to using independent prosecutors to investigate cases of alleged police brutality? **Absolutely. I have been vocal about this issue since announcing my candidacy and am the only candidate that has stated that I will assemble a group of former prosecutors, defense attorneys and retired judges to conduct reviews of all excessive force and officer involved shooting cases. Those findings will be reported directly to me, the DA.**
- 7) Are there mandatory minimums you will commit to stop using to pressure people into pleading guilty? If not, why not? If so, which?

I am fundamentally against mandatory minimums. A Judge is placed in the criminal justice system to utilize his or her judgment. Mandatory minimums remove that judgment completely and place it in the hands of prosecutors, often you with limited experience. As you may know, in Massachusetts, one cannot even be considered for a judicial appointment if they have less than 10 years of relevant legal experience. If you won't allow an experienced Judge to determine an appropriate sentence and consider any relevant mitigating circumstances, they why would we allow an inexperienced ADA to make charging decisions that trigger mandatory minimums?

- 8) What efforts will you take to identify cases where individual uses the criminal system for retaliatory purposes?

In every state agency or authority I have worked for, there is an internal and an external Ethics/Complaint/Tips Hotline. I intend to implement these Hotlines in the SCDAO. The public will be able to call and report behavior, decisions, and/or individuals and can choose to anonymously report.

#### **Administrative:**

- 1) In many prosecutor's offices, prosecutor performance is measured by their conviction rates. Would you commit to using alternative metrics you would use to measure prosecutorial performance? If so, which? **Yes.**
- 2) Will you commit to collecting and sharing data with the public? Would your office commit to collecting demographic data (e.g., race, gender and sexual orientation) about who is

charged, what they are charged with, what plea is offered and what bail is recommended?  
**Yes.**

- 3) Will you commit to making the raw data (above) available to the public (of course this would exclude personally identifying information)? **Yes.**
- 4) Would your office commit to an open file policy that provides defendants with information about their prosecution as early as possible? **Yes.**

#### **Wage Theft:**

- 1) Wage theft is often left to attorney generals or civil lawsuit to be dealt with instead of being prosecuted as theft. Will you commit to use your office to prosecute employers who are stealing wages?

**Absolutely.**

#### **Civil Forfeiture:**

- 1) In what circumstances will your office move for civil forfeiture?

**I have a serious problem with civil forfeiture for alleged criminal behavior. I strongly believe that if the government is going to seize your property due to alleged criminal behavior, it should have to meet the criminal threshold of forfeiture, not the lower civil threshold.**

#### **Post-Conviction:**

- 1) What steps will you take to reduce re-incarceration for people who pose no public danger but have violated their supervision?

**I intend to implement policies similar to those of DA Krasner in Philadelphia regarding the above mentioned violations of supervision. Specifically, with respect to technical violations, no additional incarceration will be sought and no revocation, unless the violation calls for a more serious consequence, which will not exceed 6-12 months unless approval is granted by the DA or her proxy.**

#### **Lobbying:**

- 1) How will you use your public and political influence to reduce mass incarceration and racial disparity in the criminal justice system?

**As an actual person of color, I don't have the luxury of occasionally just talking about these issues, specifically the racial disparities. I live that experience every day. As DA, I pledge to speak out about reducing mass incarceration and the racial disparities at every opportunity. I will also collaborate with the**

community and with other local and national agencies that operate in this space to devise a tailored plan for unique community that make up Suffolk County.

- 2) Will you support the following State legislative proposals:
  - Ending cash bail? **Yes.**
  - Increasing the age at which an offender is charged in juvenile court? **Yes.**
  - Repealing mandatory minimums? **Yes.**
  
- 3) Key to the integrity of our criminal defense system is the right of defendants to meaningful representation throughout the criminal justice process. There have been huge cuts in the budget of public defenders that have made it hard for them to do their job. Will you advocate for fully funded public defense at the local and state level? **Absolutely.**