



Misdemeanors Matter #3: Rachael Rollins Reboots Low-Level Justice

AUDIO by Matt Watkins

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We're operating well out of our pay grade. We're not social workers or drug addiction specialists. We're dealing with people that have all of the effects of abject

poverty. We see that every single day.

Rachael Rollins says the conventional, punishment-focused approach to low-level offending isn't working. It's a drain on limited law enforcement resources, and it's often only making worse the root causes that lead to such run-ins with the law – causes like substance use disorder, mental illness, and poverty.



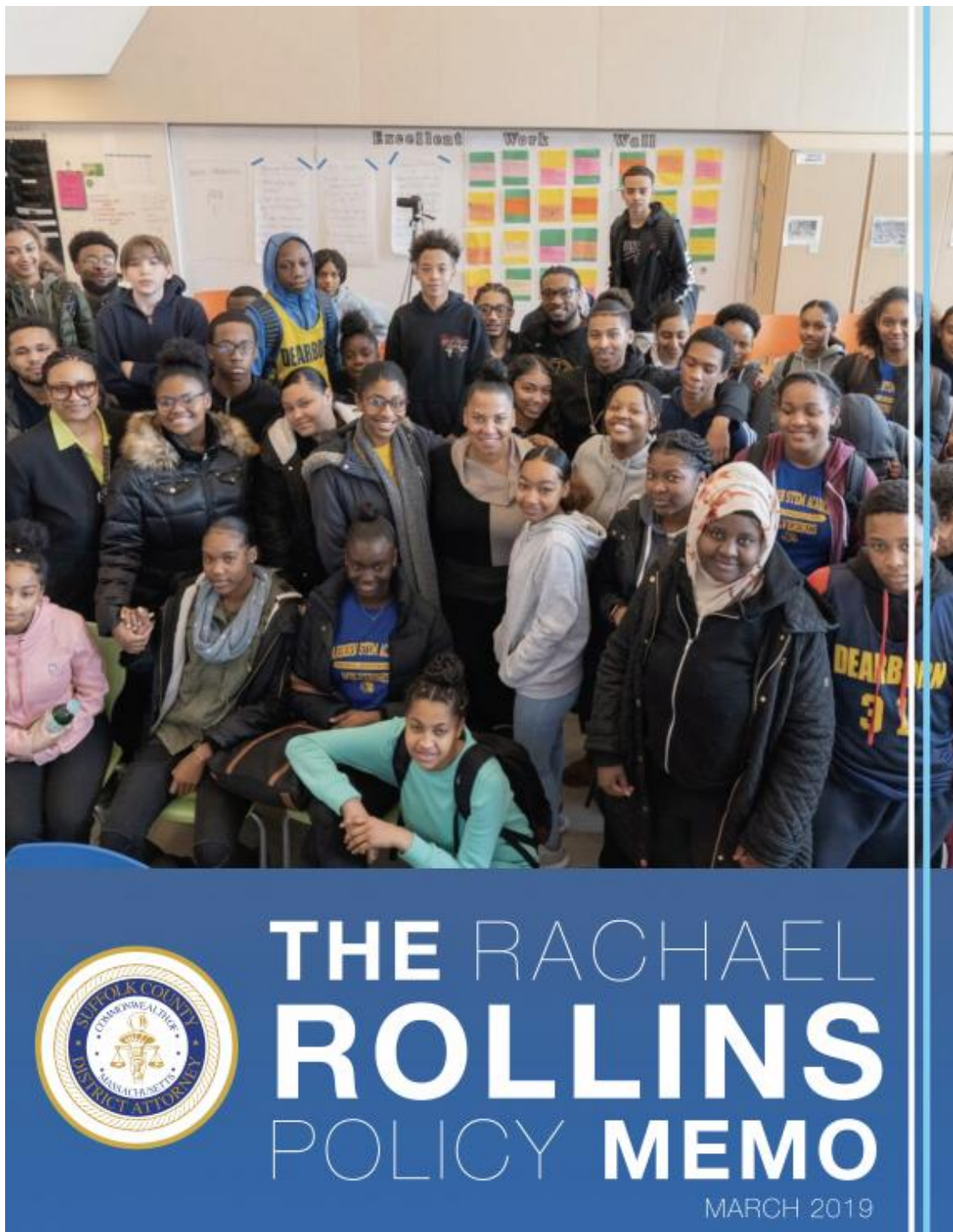
Rollins sworn in as Suffolk County's first female African-American D.A.

When Rollins took over as Suffolk County (Boston) District Attorney in January, after her surprise victory in the Democratic primary, she followed through on her campaign promise, instructing her attorneys to decline to prosecute a list of 15 low-level charges – or to request supervisory approval should they think prosecution is warranted. These are charges Rollins has identified as both taking up the greatest amount of her office's time, and that stem from factors that can often be better addressed through "services, not sentences."



Rollins with Philadelphia D.A. (and New Thinking guest) Larry Krasner.

In doing so, Rollins joins a recent wave of "progressive prosecutors," prosecutors like St. Louis County's Wesley Bell who declared, "As an overriding principle, I do not believe in prosecuting poverty." Where Rollins has the edge on her colleagues, however, is that she has now laid out the policy in detail, in writing. Real Justice PAC, one of the leading groups organizing to elect prosecutors intent on ending mass incarceration, has said of 'The Rachael Rollins Policy Memo': "it sets the bar for what reform policies should look like."



[Click on the image to read D.A. Rollins's March 2019 policy memo](#)

Not surprisingly, the memo has also generated a considerable backlash; *The Boston Herald*, for one, deemed it "a dangerous disgrace." Rollins spoke to *New Thinking* host Matt Watkins about what she hopes her policies will achieve, how her first months in office have gone, and what it means for her to now be setting the agenda: "I want things written down, I want everyone being treated with dignity and respect, and I want equality and equity."

Resources and References

- [Reports from CourtWatch MA](#), trained volunteer court observers, on Rollins's first months in office
- [The Appeal](#) breaks down Rollins's "hefty memo" (03.19)
- [The Boston Herald](#) on the ACLU criticizing Rollins for not following her own policy on declinations (03.19)
- [New Thinking: The ACLU's Somil Trivedi on 'What's Next for Progressive Prosecutors?'](#) (02.19)
- [John Pfaff](#) on how Rollins is pushing back against "punishment-centric" prosecution (11.18)
- [Mother Jones](#) profiles Rollins (11.18)
- [The Boston Globe](#) on the stark racial disparities in Boston's homicide clearance rates (07.18)
- [The Boston Globe](#): The median net worth of black Bostonians really is \$8 (12.17)
- [A map](#) of incarceration rates in Boston reveals a swath of mostly minority neighborhoods where "nearly every street has a resident who has spent time in jail."

The following is a transcript of the podcast:

Matt WATKINS: D.A. Rollins, congratulations on your recent victory, and thank you for joining us on New Thinking today.

Rachael ROLLINS: Thank you so much. I'm excited to be on the podcast.

WATKINS: So, it goes without saying that you do not fit the typical district attorney profile. You're Boston's first African-American female top prosecutor. I've seen you quoted as saying that you're quite comfortable telling people that you've seen the criminal justice system from every angle, and I'm wondering what some of those angles are and how that has fed into your decision to take a new approach to low-level misdemeanor justice; I assume after seeing some of the harms that the prior approach has been causing.

ROLLINS: For sure, so every angle being: I've been a state prosecutor; I've been a federal prosecutor; I've been a criminal defense attorney for state matters and federal matters; I've sat on the Judicial Nominating Commission that I was appointed to by the Governor of Massachusetts, Governor Deval Patrick, so I've helped appoint judges or vet them through our process.

And then I have actually prosecuted people in the same courtroom that I sat

and watched my younger brother get sentenced in. I am not only someone that's been a prosecutor and a criminal defense attorney and appointed judges, I am the sibling of a currently incarcerated person.

Additionally, I am the mother of a 15-year-old daughter, and as a result of some of my siblings' mental health issues, who are struggling with substance abuse disorder or incarceration, I'm the guardian of two of my nieces. The Department of Children and Families is in my life, not because I've done anything wrong, but because they have oversight of two of my nieces, so I understand what oversight looks like, what regulators... Essentially it's not probation, but they have the ability to enter your life whenever they want, ask questions, not *search* your home, but they have to look through your home and make sure things are safe. I come to work with a different lived experience than many D.A.s, but I think that makes me exceptionally qualified for this job.

WATKINS: So, we're going to get into the details of the ways that you're trying to change the system, but broadly speaking, what *is* wrong with the conventional approach to dealing with low-level, and often repeat, offending?

ROLLINS: What's wrong is we are clogging up the system and wasting resources when we are charging people with low-level, non-serious crimes. For example, we looked at data between 2013 and February 2019 of this year and parsed out the top 25 charges that were filed in Suffolk County. Seventeen of those 25 charges were non-violent driving or drug possession or property crimes, so we're talking about like unlicensed operation of a motor vehicle, unregistered motor vehicle, disorderly conduct. Now, of course, we want people to have licenses and we want people to register their vehicles. No one's saying that shouldn't be happening. But we also during that time, sadly in Boston, which is part of Suffolk County, we have a 10 percent solve rate for non-fatal shootings.

So, those non-violent, non-serious crimes we are putting tons and tons of resources in, they are deeply impacting people's lives. They're saddling them with a criminal record, and that does not promote public safety. Instead, it creates barriers to education, housing, jobs, and other necessities, and meanwhile, we're not putting the money into the crimes that actually are making our communities unsafe. Yes, there are lots of problems with us focusing virtually the vast majority of our attention on low-level misdemeanors that, in Boston as well, overwhelmingly impact black and brown communities.

WATKINS: You just came into this new job in January and you've just put out this really detailed policy memo. There's a major focus in there on what you

call a diversion and declination policy, and I thought we could start with the latter to get at the nuts and bolts of what you're proposing. Could you just explain some of the mechanics of this declination decision for people who aren't familiar with it and then talk about some of the charges that your office will be declining, or is meant to be declining already?

ROLLINS: So, what happens, we all know – your listenership is well-versed in criminal justice – but the police arrest somebody and then they bring them essentially to court. They usually file the criminal complaint and then the police report, and a clerk then looks at the police report and the complaint and checks off the box that says probable cause, and then it moves forward to an assistant district attorney who stands up and says, "Your Honor, Rachael Rollins has been charged with the following crimes."

One of the things that I don't think people really think of is police officers are overwhelmingly not lawyers. In Massachusetts, clerks don't have to be lawyers, and the first time that a lawyer looks at that, there's already been probable cause determined. The train has already started moving and there isn't a moment where we, as the prosecutor, look and say, "What does this police report say? What does it allege that this individual's actually done? Is this making our community unsafe? Do we want to spend our resources charging these types of crimes?"

What I said was in the instance of these 15 crimes, and I have them listed in the memo and I came up with these 15 by speaking to criminal defense lawyers, prosecutors, judges, and even police, and very candidly, people who have come into contact with the criminal justice system to say, "What are the low-level crimes that are clogging up the system and not keeping us safe?" We came up with all of these.

WATKINS: You also campaigned on these 15 charges. This was not a surprise to anybody.

ROLLINS: No, no, no. It should not have been a surprise because we started talking about it and we posted it on our website about four to six weeks prior to the primary. Many of these crimes, accountability isn't even the right word. If you get arrested for drug possession and you have a substance use disorder or are visibly addicted to something or openly intoxicated or I also have listed there breaking and entering where it's into a vacant property, or where it's for the purpose of sleeping or seeking refuge from the cold.

WATKINS: Right. We're talking about crimes of poverty, for example.

ROLLINS: Crimes of poverty, crimes of mental illness, crimes of addiction or

mental health issues. Overwhelmingly, I want you to get services for that underlying root cause of the problem. If it's shoplifting, the vast majority of the shoplifters, Matthew, that we find, they are not very good at what they do and we get the item back. We can give a civil stay-away order. But if this is the first time somebody shoplifted and they're 26-years-old, why are they shoplifting? What are they shoplifting? If it's diapers and they have a young child and they're homeless, that's the bigger issue. We'll get the diapers returned, or if the diapers are damaged, we'll make the vendor whole, either by community service or some sort of work that we can do, but ultimately what I want to focus on is the underlying root cause of that issue.

If this person has never come in contact with the criminal justice system before, that's a straight dismissal. Or even if they have but not within the last three years, or it's only once or twice and we're looking at the circumstance, I believe that is a straight dismissal, pre-arraignment. Their criminal record should have no entry based on that.

WATKINS: Meaning that they have no further interaction with the criminal justice system at that point or no diversion into other services.

ROLLINS: Absolutely. Right, so that's the first bucket is we say, "Matthew, we don't want you going back to the store." That could be possibly a civil stay-away order. We would not be asking you to come back multiple times to court to discuss that. You'd be told, "We don't want you going back there." The articles were returned. We have a discussion with you if we believe you might have mental health or substance abuse disorder. We give you some information about that and encourage you to get help. You are gone, you're not coming back in contact with us at all. That's bucket one.

Bucket two is you engage in one of these 15 crimes and in the last three years, maybe you've done this before, one time or a few times, and we look at you and we say, "Well, it's still not a violent crime. It's just still not serious, but you've engaged in this behavior before." Pre-arraignment, we might divert you to a program or make sure or ask you to, for example, do community service or restitution or a community-based no-cost program, job training, or schooling. Something like that, but I don't also want to just clog you up with having to come to court every four weeks just so we can tag and monitor you. I want to actually try to get you help that you need.

Part of what I'm trying to do, Matthew, is we're going to have social workers that we are communicating with, hopefully on our staff, but that we have on the call and on the ready. Clinicians, right? People that are experts in the social problems that I as the D.A. am dealing with every day as the last catch-basin in these individuals' lives.

And the final bucket is, "You know what? No, Rachael Rollins has done this many, many times in the last three years. We've already tried to divert her and given her opportunities. She continues to engage in this behavior. Let's see whether we can arraign her and then mandate that she do the following with the help of the court and probation and other institutions that are already established." In order to go to arraignment, Matthew, I've asked that the young A.D.A. – and overwhelmingly our A.D.A.s in municipal courts and district courts are right out of law school – that they get supervisory permission.

Those are the three buckets, and I look at those very differently.

WATKINS: It sounds like a lot of this is something that jurisdictions across the country are wrestling with, which is: what is the proper relationship between the criminal justice system and what we could call the sort of social system? A feeling that very often the criminal justice system becomes this default response to really deep-seated social problems. I mean, is it ... It seems like you're throwing down a gauntlet a little bit here. I mean, is it your hope that if you close off the option of jail or punitive options that you're going to force local governments and social services to fill the breach somewhat?

ROLLINS: Absolutely, and my hope is that when we stop prosecuting some of these crimes, the police, who by the way have also been asked, not just prosecutors, but the police... We're operating well out of our pay grade. We're not social workers. We're not teachers. We're not therapists. We're not clinicians or drug addiction specialists. But we are dealing with mental health issues all the time. We are dealing with substance use disorder issues all the time. We are dealing with people that are homeless or have all of the effects of abject poverty that are manifesting themselves outwardly. We see that every single day, not just as law enforcement officers in the community, but as prosecutors in the community.

Yes, I have put the gauntlet down and said, "Guess what? I am going to come up with a proposed solution, and we're going to actually collect data and see if it works." And I want to be the type of leader that if the data show that it's working, we're going to continue doing it and we're going to turn the nozzle up; maybe more decline to prosecute charges. If the data show that it's not helping or there's some spike in behavior that's not what we had hoped or envisioned, we're going to adjust and we're going to adapt.

I will tell you that what I want to do is get people help that come into contact with the criminal justice system, and then I want to divert my resources to the violent, serious crimes. Since January 1st of this year we've had 10

homicides in Massachusetts. We've had an officer-involved shooting. We've had several hate crimes. We've had two incredibly public kidnappings – one, thank God, we found the woman alive, but we've charged her abductor with 10 counts of rape and kidnapping and many other serious charges, and then one kidnapping where, sadly, the woman we found, she was dead. She had been murdered.

So we are busy, but I want to focus my attention on those violent, serious crimes that make Suffolk County less safe so we can make it safe. And then more so, we have a thousand unsolved homicides, Matthew. I want to start getting those families – overwhelmingly black and brown families – closure and answers. I want them to know we care about them and their loved one matters enough that we put eyes and minds on these files to try to get answers or see what we can do.

WATKINS: Boston in particular I think has a very disparate clearance rate for homicides by race, that if the victim is African-American, you're far less likely to have that murder cleared than if the victim is white, right?

ROLLINS: Absolutely. *The Washington Post* did an article and 90 percent clearance rate on white homicides, 42 percent clearance rate on black. I will say there are far fewer people that are white and murdered in Boston, so it's a smaller sample size, but the race disparity is a fact that we must live with. In fact, Boston is number one in the country with the largest race disparity, which we should not be proud of.

WATKINS: I get that we don't want... It's not really fair to ask police officers to be social workers, and too often that is what's happening. But I would think that police officers also are in the habit of making arrests when they see behavior that goes against the law. I'm wondering, what kind of reaction you're getting to this declination policy from police and maybe more widely?

ROLLINS: Yeah, so I will be honest. When I won on September 4th...

WATKINS: An unexpected victory, too, right?

ROLLINS: Oh, right. Exactly. Unexpected to everyone but us because we were working really hard. But yeah, we were confident we were going to win. I don't think we believed we would win with the percentage that we did. We believe we have a mandate.

When the police-endorsed candidate didn't win the primary and the D.A. endorsed, and the elected officials in Boston – overwhelmingly Irish men – had endorsed, a different candidate than I, they scrambled, I think, to say,

"Oh my God, who is this Rachael Rollins?" Then they saw this "charges to be declined," where the default is to decline unless a supervisor's permission is obtained, and they just ran with it.

Like most people, they didn't really read it. They didn't read the whole thing, which there's a parenthetical, "unless supervisor permission is obtained," which clearly shows that it's not, "We decline everything." There's a whole paragraph at the end that explains that we want services, not sentences. If we are going to divert, we want it no-cost and we want it to be helpful – like job training or schooling or community engagement, or treatment of some sort – but nobody pays attention to the details.

What I'm proud of, Matthew, and who I was raised to be, is the first interview I did after winning September 4th was Tucker Carlson on Fox News, and then I am very proud of the fact that I show up and I like to speak to people that actually don't agree with what I'm proposing because I think it's ... I'm not saying a complete waste of time, but if I'm sitting in a room and people are telling me I'm wonderful and there are progressives saying, "You're doing great, we're so lucky to have you," I love hearing that for my ego, but what I really need to do is start meeting with people that are polarly opposed to what I'm proposing so I can hear what they're saying and either say, "You know what? I hadn't thought of that. I'm going to take that under consideration."

Or say, "Oh, I know you believe that, but the data actually shows this." If I can remain calm and be pleasant and respectful, it matters. I might only get one of the hundred people in that room to say, "All right, well, I'm not saying I'm voting for her, but I heard her opinion and I'm taking a step toward her." That's victory to me.

WATKINS: What do you say to the people who are responding, "Hey, if prosecutors aren't charging these crimes anymore, police are going to stop arresting for them, and then you're just going to have people shoplifting and trespassing and what have you with impunity"?

ROLLINS: The police already deter people and don't often arrest the shoplifter the first time they find them. I think the data show that my predecessor with this list of 15, 60 percent of the time he was already dismissing these charges before they even got to arraignment. My predecessor, who was Democrat but conservative-leaning – significantly less progressive than I. So this is already happening all the time. What's different about me, Matthew, is I just put it in writing. When you have policies where people can use their own personal gauge as to whether we're going to utilize this and this circumstance or not, their implicit biases creep in.

What I just did different is if it's working for 60 percent of the people under my predecessor, these 15 crimes, let's put it in writing and make sure it's working for everyone. Not just the people in West Roxbury District Court or Division of Boston Municipal Court, but the people in Roxbury Division of Boston Municipal Court. Those two populations are extremes of minority and non-minority residents. So yeah, I mean, I think the police are already engaging in this behavior, I'm just saying it out loud.

Candidly, if I have to have conversations with the mayors, or the city managers of Boston, Chelsea, Winthrop, and Revere to say, "You shut down our mental health facilities. We need beds. We need services there. If people are actually getting treatment, they aren't going to be engaging in this behavior. Or we have certain areas, Matthew, that I'm sure you do in New York, where it's literally Hamsterdam, right? Remember from 'The Wire'?"

WATKINS: I do, yeah.

ROLLINS: We are seeing people that are hurting, that are openly using. They need treatment. They don't need to go to jail. And by the way, when we arrest them and send them away? \$55,000 a year taxpayer money to house them in the Suffolk County House of Correction. Let's put that money into services and treatment and homes and housing for them. That's going to make them a better person than putting them in Nashua Street and us paying for it, and then they come out and are going right back to the tune of a 67 percent recidivism rate to the behavior they were engaging in before.

WATKINS: Do you think it would be easier to overhaul the system in the way that I think you're trying to do if, frankly, you were a 60-year-old white dude?

ROLLINS: Who says I'm not on the inside a 60-year-old white dude?

WATKINS: It's true. We're on the radio!

ROLLINS: Yeah, so here's the thing. I have noticed in Boston, we have, for the first time in the history of Boston we have a black commissioner of the Boston Police Department. We also have a black sheriff, and I'm the first woman ever to be the D.A. in Suffolk County, and then the first black woman ever in Massachusetts to be one of the 11 district attorneys we have here. Yeah, there are definitely gender issues that I deal with, for sure.

I do think Larry Krasner... he's not dealing with some of the same things that maybe myself or a Kim Foxx or a Marilyn Mosby are handling every day, but I will say that here in Boston, what's wonderful is that the climate is changing.

We have lots of leaders that are stepping up that look different and sound different and act different than many of the leaders we've had in the past. So yeah, I'm not going to waste time saying, "If I were a 60-year-old white man, this job would be so much easier."

I'm very happy being exactly who I am, and I have been elected with a mandate, so anytime people start questioning me, I love reminding them that 185,000 people decided this is exactly what they want and I report to them — not the commissioner, not the mayor, not the city manager, not the police department that is possibly unhappy with what I'm proposing. The overwhelming number of individuals in that police department don't actually live in Suffolk County. They drive in here and police the people in Suffolk County, but then they drive back to their community and live somewhere often that is not nearly as diverse as the place where they're policing.

WATKINS: You've said that you're just putting into writing, to a certain degree — or maybe ratcheting up a little bit in the process, too — policies that were already in place from your predecessor. But I mean, it still amounts to you as the D.A., Rachael Rollins, unilaterally deciding, "We are not going to charge for these 15 offenses." I just, let's say you lose the next election, heaven forbid, and someone else comes into the office, they could roll that back on day one.

ROLLINS: Absolutely. Just like I rolled it out.

WATKINS: So, would it be better, do you think, to have a legislative solution where you have a change in the laws to make these kinds of things more systemic and permanent?

ROLLINS: Hey, I think that would be wonderful if the legislature wants to do that, but what I can tell you is, joking: some of my best friends are in the legislature, so now of course I'm about to say something problematic. For me, it takes a long time for that process to happen, and one of the things for the people that actually know me, April 2nd was three months in this job. I work constantly. I work all the time. I demand so much of my staff. They are exceptional here.

But I'll tell you, we don't have time to wait for the legislature to take a year, two, three, four, five to try to get it right because people are dying. There are people being murdered, there are crimes not being solved, there are individuals being prosecuted for low-level crimes and sitting in jail pretrial. We have to start moving immediately to change this, and the autonomy the D.A.s have — you've seen with Larry Krasner when he came in and issued his

great mandate of all the things that they were no longer going to do.

I looked at that and I said, "I want mine to be a little bit... This is a document that's not only for my A.D.A.s, my assistant district attorneys, but all my non-legal staff in this office." I wanted it written so people could understand it. I have sent this to virtually every leader in the criminal justice space, but more importantly, the community. I want them to see, "I promised you I was going to do something, and here it is in *writing* saying that it's now going to happen." Our communities, and I mean all of our... They look at elected officials and they're used to being lied to or promised nothing.

I wanted to be a different type of elected official. I said I was going to do something. I did it. And I put it in writing so that now you can hold me accountable later if I stop doing that. That's who I'm going to be, and if that results in one term of four years, then we're going to right as many wrongs during those four years. Or whether that results in me becoming the longest-serving D.A. in the history of Suffolk County, then it's going to be that. But I want things written down, I want everyone being treated with dignity and respect, and I want equality and equity.

WATKINS: In fact, you're already being held accountable—we're in the age of Twitter, somewhat—you're being held accountable in real time. You have a pretty active CourtWatch operation. So, you have people sitting in your courtroom and reporting on what is actually happening, and specifically with these 15 charges that the order has come from on high to decline the charges. How much do you know right now—because it's easy to enunciate a policy, harder to actually implement it—what do you know right now about what's actually happening, on the ground, with your assistant district attorneys?

ROLLINS: Yeah, so I'm going to be very candid here. Our data collection system in this office is not good. I inherited... I don't think a lot of people understand. They'll say, "All right, well, D.A. Rollins, change it." District attorneys, I'm one of 11 in Massachusetts, but I'm also part of the Massachusetts District Attorneys Association. That group of 11 of us, we all have to agree on the same data collection system, and that change is supposedly going to be happening in the next month or year to come.

I am very grateful for CourtWatch, but I also don't think that as D.A. I should be getting better data about what my office is doing from CourtWatch than I do from our own data collection system, and sadly, that's what's happening. We are changing that now.

What I am excited about is I want reports every day: How many

arraignments happened today? What were the race, genders, ages of the people that were coming into contact with our system? If there were actually arraignments, I'm then going to ask, "How many pre-arraignment diversions did we do? How many pre-arraignment dismissals did we do?" We need to be training our staff exactly how this is happening, and these are all the things that are on my plate as D.A.

WATKINS: I get the data side of things, but I am wondering about this culture question. I mean, the culture of the justice system, and what a given case is worth and that is really entrenched in people's minds. As you said, most of your A.D.A.s, your assistant district attorneys, are fresh out of law school, they're making an argument in a court that perhaps the judge is not that receptive to. Also, they need to maintain their relationships with police officers who might not be receptive. Is this culture question something you're also addressing?

ROLLINS: One hundred percent – if I make this glossy memo and then don't train anyone, that shows them that I don't really care about this; if I make this glossy memo and then train them, but I still only promote based on guilties, then that shows I really don't care about this.

Everything I do matters. This has to permeate through every single decision I make as a D.A. So, if I'm talking about community engagement, then when I look at who's going to be my chief of the Crime Strategies Bureau – and words matter, so we're not going to have a “gang unit” any longer, whether it's neighborhood engagement and community, we're going to change the words because they do matter – but if I don't ask that individual, "How many times in the last quarter have you gone to community meetings in this neighborhood?" If the answer's zero, that's a problem, or one.

WATKINS: So, a new performance metric, in some ways.

ROLLINS: A new performance metric, and then lastly, every decision is deliberate. When I put art on the walls, I just met with the superintendent of schools. I want to have young elementary students draw pictures of what peace looks like for them in the communities that are riddled with violence so that they can see that there's a positive part in this office about them. I want to have things like ‘D.A. For the Day’ where we have young people follow me around. I want them to have encounters with law enforcement that are actually positive and not the ones that they're used to having in their lives or growing up.

There are many, many ways we can change the culture. We've already implemented, for example, quarterly internal staff meetings, quarterly

external community meetings. We have a monthly newsletter. We are engaging people. None of this stuff was happening under my predecessors. They were doing a really good job at prosecuting cases, but I think they were stuck in the old way of thinking, and we're going to move forward.

WATKINS: You're talking about opening up the office, building trust. I mean, I've seen this map of Boston where you see where the highest incarceration rates are, and it's all concentrated – not surprisingly, but very starkly – in low-income, non-white neighborhoods. You have a lot of trust building to do.

ROLLINS: Absolutely, and part of what I did was ... The only thing to be the D.A., you have to do three things. You have to be a lawyer in good standing, you have to win the election, and you have to be a resident of Suffolk County. I owned a house in Middlesex County like a mile from Suffolk County, it's a weird-shaped county. But I decided to rent for me and my family in Roxbury, which is one of the highest-crime areas, because I am committed to this community. That was a conscious choice.

I certainly could have chosen to live in parts of my county that were where the overwhelming majority of my predecessors lived, but I think, like I said, leadership is real. I want to be authentic and I want to put my money where my mouth is, and this is the choice I made and I do that every single day in the decisions that I make.

The other thing I do differently, Matthew, is I no longer go into communities that every system has failed and then say, "Hey, will you volunteer to be on my advisory committee to help us solve a problem that you didn't create and that decades of people before you did create, and I'll pay you nothing to do that?" Meanwhile, all of my staff, which is white, gets paid to continue this? No. When we go into the community we're going to be giving people, if we have people assisting us, we're going to see if we can give them stipends.

One of the things I'm proud of is on my transition team, there was a lot of flareup about this... I had criminal defense attorneys. I had retired judges. I had former prosecutors. But I also had people with lived experiences, returning citizens, and not for driving with an unlicensed vehicle. People that had served almost 17 years in federal prison or individuals that had done time in our State Department of Corrections System.

WATKINS: The people closest to the problem, really.

ROLLINS: ...to the problem, absolutely right, and their input was incredibly valuable, and they helped in making hiring decisions in my office, because we are the government and we answer to the people. We are here to serve

them, and that's a big mind shift, but yeah, culture, that's a way, way long way of saying that culture is incredibly important and one of, in fact, the most important pieces, because if they see that I'm not authentic and I'm not real and I don't believe what it is that I'm marketing or proposing, they'll be able to tell that in a minute and they'll just try to ride it out till somebody else runs for office or takes my job.

But when they see how hard I'm working and how hard my team is working, that these are values that I have had my entire life, I think we're going to get a lot of buy-in, and then very candidly, if we don't, we'll help them find another job and we'll get people in here that are aligned with my policies. This is a leadership position. I have 300 employees. It is an administrative role. I'm not trying homicide cases. I'm setting the policies that are going to help make the determinations more fair, equitable, and just. Yeah, it's an exciting time and culture is incredibly important in this process.

WATKINS: Just to return to the misdemeanor question specifically for a second: it's my understanding that you guys are working with the Harvard Law School to map out, get a handle on some of the thousands of collateral consequences that affect people once they get involved with the justice system. Now, I don't think that work is done, but can you talk a little bit about what you're finding when it comes to the consequences of misdemeanor involvement and how that might inform how you continue to treat these cases?

ROLLINS: So, even with misdemeanors, when you think about how many times your record is run – and some of these crimes that are civil, non-violent crimes are popping up there. If those preclude you from employment opportunities – certainly some of them might make you ineligible for certain unemployment benefits, federal loans, public housing, food stamps.

Let's not even start with if your immigration status is in question. All I want to do is make sure that we are not disproportionately penalizing people for absolutely bad decisions. I'm not in any way trying to say they aren't, but if I as Rachael Rollins would get a 12-month sentence for this crime and you, as Matthew Watkins with your questionable immigration status would get 12 months and then deported and out of our country...

WATKINS: I am a Canadian here on a green card, actually.

ROLLINS: I know, see? Exactly. Hello? You're like Sandra Bullock in that movie *The Proposal*, right?

WATKINS: No one has ever said that to me before!

ROLLINS: You should watch that movie. (Laughter)

I get it, right? I would want to know that. I would want to know what that is, and I might still move forward with that charge, but I might not, and what I'm simply asking with respect to ICE and collateral consequences, which I know we sort of glided into, is I just want to make the most informed decision that I can and I don't think our office was doing that before.

We are in the throes of this work. We are going to get lists and lists and lists of collateral consequences, and then as the D.A. of Suffolk County I'm going to be talking about them all the time so that we can have more data to support these positions that misdemeanors matter. They deeply impact people's lives.

If my predecessor was dismissing these cases to the tune of 60 percent already, or when we bring these 15 charges forward and they get not guilty, then why are we even bothering to do this? Or post-arraignment, if we end up dismissing prior to trial, why did we even arraign it? We're saddling people, literally branding them with a record that unless they seal it or get it expunged, it's going to be a problem, and then remember: in Massachusetts when you seal a record, what it says at the top is, "There is at least one sealed case on file." They would run your record, Matthew, and it would say nothing except there is at least one sealed case on file. So, then whoever is looking at that is like, "Okay, is that a homicide? Is that an operating with a suspended license? Is that a trespass?" You have no idea what it is.

That might be enough for you not to even get an interview or you not to get the apartment if the management company runs your record and your credit before giving you an apartment. There're a million different things that this could impact.

WATKINS: Your policy memo, just like the caseload of your office, is taken up a lot with the question of low-level offending and taking a new approach to misdemeanors that we've talked about, but there's maybe less about thinking about a new approach about violence: offenses coded as involving violence and the people charged with committing them. If we're going to unwind mass incarceration and if we're going to change the map of incarceration rates in Boston and Suffolk County, there is an imperative, I think, to take a new approach to offenses involving violence. What is on the table for you in that regard?

ROLLINS: What we have done in these first three months is we've made the Criminal Defense Bar know that we are open to talk to them about proposals

with respect to how we're charging cases, what our requests are with respect to pleas.

Certainly, victims are an incredibly high priority that we have, but the system needs to be just for everyone and equitable, and people need to be treated with dignity and respect, even if we are charging them with first degree murder and asking for natural life without the possibility of parole. And then very candidly, we are going to have to start looking at the levels and gradations of violence, and what are we with limited resources... We are going to stay right where we are right now with my list of 15, but start talking about, "How can we disrupt violence?"

I want to be the type of D.A. that, my predecessor, there were 60 homicides last year, what programs are we putting into place? How are we thinking strategically about the 50 to 75 to a hundred high-impact players assuming a lot of risk out there that we know are driving the majority of the violent crimes in Suffolk County? How are we engaging those individuals and dissuading them from continuing to engage in this behavior? What opportunities are we presenting them with? What programs are there?

That is again where I think, Matthew, my relationship with people with a lived experience, the fact that I promised to go into the houses of corrections and the Department of Corrections as the D.A. once a month to meet with people behind the wall, to hear about their concerns with the legal system, as well as, of course, sitting down with survivors. I want all of our voices heard when we come up with these solutions about how we're going to reduce violence in Suffolk County and keep Suffolk County as safe as it is or make it even safer.

WATKINS: Well, Rachael, I want to congratulate you again on your campaign and all the good work you're doing now, and I just want to thank you very sincerely for this conversation.

ROLLINS: Yeah, this is great. If you ever want to continue chatting, make sure you watch *The Proposal*, it's funny, with Sandra Bullock and Ryan Reynolds, but very good talking to you and I'm around. I'd love to continue the conversation.

WATKINS: All right. Thank you so much, Rachael. I've been speaking with Rachael Rollins. She is the district attorney for Massachusetts's Suffolk County.

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