

## Transcript Decarceration Nation Episode 67: Rachael Rollins

Josh Hoe 0:03

Hello and welcome to this episode and a special set of episodes of the decarceration nation podcast from the Smart on Crime innovations conference in New York City. I say we because I'm thrilled that our web guru Robert Alvarez was able to join me in New York City for the conference. As result, Robert and I got to interview several thought leaders in the criminal justice reform field. The episode you're about to hear is one of a series of five interviews, which will be releasing over the next two and a half weeks. Each episode will be intentionally shorter than our normal episodes running for this they'll probably be running between 20 and 30 minutes. Okay, here we go. I hope you enjoy the special Decarceration Nation Podcast episodes from the 2019 Smart on Crime conference.

Robert Alvarez 0:49

Hello, this is Robert Alvarez and I'm here with Josh Hoe We are Decarceration Nation and we're live from the Smart on Crime innovations conference 2019 at John Jay College will be introducing Rachael Rollins. She is the district attorney of Suffolk County in Massachusetts, which includes the municipalities of Boston, Chelsea, Revere and Winter. Josh?

Josh Hoe

Welcome to the Decarceration Nation. Rachel,

Rachael Rollins 1:12

Thanks for having me here.

Josh Hoe 1:14

Yeah, it's great to have you here. I'm going to start off in kind of a weird place because we have more important things to discuss. But I know you also work for the NFL, but I'm a lifelong rabid basketball fan. So I have to ask what it was like working as the first legal intern of history at the National Basketball Association, Players Association.

Rachael Rollins 1:30

It was unreal. I have been a rabid basketball fan myself. Growing up in Boston, you cannot be a basketball fan or we had Larry Bird and Robert Parrish and Kevin McHale. We had some really good teams and then we had the not the same trifecta, but with Kevin Garnett and Ray Allen and Paul Pierce, but I was adamant I was relentless and when Alex English who was the den for the older you You're older listeners who might know who that is. Yeah. He actually called me to say we will accept you as an intern, I thought he was calling to say, if you keep sending us things are calling us, we're going to get a restraining order against you because I was so interested in being an intern there. I learned a great deal. That summer that I was there, they were actually negotiating their collective bargaining agreement, the Bill Cartwright agreements where he had left, he was with the Super Sonics, and there was an issue there. He had gone

from being a player to being a sort of coach or recruiting, and the team wasn't paying him as a player. And it was an almost million dollar discrepancy that we we would represent players and grievances. And then part of my job was, you know, explaining to the players all of the proposed changes in the collective bargaining agreement. So it was a wonderful summer. Patrick Ewing, who you know, is obviously from Massachusetts was actively involved in It's like surreal everyday going to work.

Josh Hoe 3:02

Yeah would have blown me away.

Rachael Rollins 3:10

I kind of grew up with the Patrick Ewing as a huge part of my life, but he went to high school in Cambridge. So he is which is where my family lives. So, you know, just being an exceptional high school basketball player playing at Georgetown. And then the next one also remember

Josh Hoer 3:23

that Georgetown obviously was just when he would the whole Hoya Mania

Rachael Rollins 3:27

Oh, my God, I know.

Josh Hoe 3:29

Crazy Good. Good, good stuff.

Rachael Rollins 3:31

Good stuff.

Josh Hoe 3:32

So rapid changes. Okay. So you were a prosecutor. And then you kind of come back and and as a progressive prosecutor, can you talk about how the experience the first time kind of informed your move to, to when you ran as a progressive?

Rachael Rollins 3:49

Absolutely. So I was an assistant United States attorney at the federal level. And I was basically a cog in a wheel. I was an entry level lawyer. And I realized very, very quickly that level people don't set policy. I also recognize that in the federal system, neither does the US Attorney. Right. So the the US Attorney in Massachusetts, we only have one, New York, for example, has several. But they are appointed by the Attorney General of the United States who of course, is appointed by the President. So our current US attorney is a former colleague of mine. his agenda is essentially the sitting president and the Attorney General bars agenda. And so I recognize not only do entry level prosecutors not have any policymaking authority, but on the federal system, it's really dictated down from DC. I then recognize that even though we were doing really important work, the overwhelming majority of the people that are in our jails and

prisons across the country, are prosecuted by state and local sort of prosecutors, not the federal system and I left the US Attorney's Office and then started doing some sort of more administrative jobs. I was the head lawyer for three of the largest organizations, state agencies in Massachusetts. But while I was at a big firm before the US Attorney's Office identity, a rotation, and I knew that that's really where the change could happen. So, you know, I took those experiences, and quite frankly, after, with the rise in cell phones, and the ability to see things instantly and not have I'm old, so I'm 48. So you don't you don't have to wait to open the newspaper to see what it is that happened the night before. And you might not even know if the newsroom shut at midnight. Something could have happened. This young person's like what are you talking about? But right now we live in an immediate world where we get an alert because something just happened 30 seconds ago somewhere and we have footage and we You can see it. I was just seeing too many people having interactions with law enforcement where they lost their lives. And remember, the police and law enforcement are the only branch of our government that have the ability to take away our life with no oversight in an instant, right? So it's not like the IRS where we're sorry, sir, we took an extra three grand from you, and you get to write a strongly worded letter and get your money back later, right? Or the RMB, who might look at you and even if they're racist, like to me, Hey, we don't serve your kind here. I can make a complaint and in two weeks, I get my license, even though I've been inconvenienced for that short amount of time, when there are embedded sort of ingrained thought processes in law enforcement and communities that feel over policed and over prosecuted. And we see situations where overwhelmingly, these poor black and brown men and women are coming coming into contact and not making it out alive. I just said we need we need new people in the role of da, so that there can at least be a chance that the DA might say, you know, we're going to open an investigation into this one. And I was seeing too many where we weren't. And then overwhelmingly, it's a male game, right? And men are great. There's this is not a bashing moment. But I just think the more voices we have at a table, the better we're going to be as a company forget about criminal justice reform or, you know, the car School System or IT or whatever it is, if we can get some people from some different countries, different experiences, different genders, different ages, we are going to be so much better thinking about solutions. And that's why I put my head

Josh Hoe 7:49

that makes a lot of sense. That's actually a good bridge. You know, when I first launched this podcast a couple years ago on Martin Luther King, Jr. Day because of my own experience in the in the The criminal justice system and I often say that you'd have to be willfully blind to walk into a jail or prison in the United States without seeing the racial disparities. Part of your goal has been to confront this problem head on, how do you think we can all best embrace reform but also insist on racial justice in this country?

Rachael Rollins 8:17

Sure. And I think people are willfully blind. There are very few people that actually set foot in jails and prisons and part of what I did as a candidate, and you know, I'm nine months old as a DA, I'm 48 years old as a human and 20 years old as a lawyer, but nine months old, as a da. As

a candidate. I went into our houses of corrections and our departments of corrections. And I forced myself to and not just the close ones, the ones that are Massachusetts isn't big, but you know, we are a solid, maybe three hour tip to tip Dr. Let's say the ones that are over an hour, maybe up to two hours away, and as a candidate I visited I was really proud to say that I got endorsed by the two architects of our criminal justice reform legislation, two senators, but I also got five endorsements from behind the wall. And, you know, I had national state and local endorsements from emerge and other Shaun King and other, you know, sort of great activists. But I promised some of those overwhelmingly men, that when I won, I would come back and see them monthly. And so as the DA, I have gone in to the Department of Corrections, Norfolk in Massachusetts, and met with a group of overwhelmingly lifers, and we talk about policy, and I make sure that I made sure for myself that it was going to be Norfolk because I knew that when I got this job, I'd be busy, and I knew that I wouldn't have I have four hours in a day to give to see these men. And I wanted to remind myself of the agitation every time I thought, is it that today? All right, well, I can't do this. But I'm driven in a Tahoe by a armed executive protection from Boston Police Department. I'm on my phone. I'm at doing work. I'm whisked in because I'm the DA, and I meet with them. So imagine what a family feels like. When they don't have a Tahoe, an armed guard. I'm serious, right? They they know they're right. They have to take an Uber none of these places are accessible by public transportation. I'm treated there been times where I've been treated poorly. And I'm the DA imagine what a family feels like. Who doesn't understand the system or a grandmother who is wearing underwire bra or an 80 year old who has pants on that don't fit the criteria of what it is. She's not there to be sexually active. She's They're to see your grandchildren. So it's it's just, it reminds me so I will push back and say people are being willfully blind because they aren't going in there. And what I did was not only am I going I have a new set of assistant district attorneys that started and in addition to learning how to do arrangements and bales, I made them go into natural history, which is where we send people, it's our house of corrections when you can't afford your bail. I don't care if you understand how to ask for bail. I want you to see the facility we send people to when they can't afford it, number one, number two, I had criminal defense attorneys speak to them. I had returning people, defendants returning citizens and not small crimes, people that have served 17 years in federal prison, gang gun and drug cases, serious individuals, because they need to know that these people when they return, have turned their lives around and we shouldn't be branded them with respect to the worst part of their life, right, possibly. So again, I think we have to pull the blinders off. We need prosecutors that show up themselves, and then demand that their staff does as well.

Josh Hoe 12:15

I was only in for a short time. But I know in my own experience that one of the things you learned very early on is that lifers are often the most engaged in trying to change the system and the most invested, even though they may never get out, trying to create a better system. I just testified last week in Michigan about the need to stop incarcerating so many people for misdemeanors. I know this was one of your core issues during the campaign. And since Can you talk just a little bit more about how you approach the problem and how things have been going and reducing prosecutions for low level craft?

Rachael Rollins 12:48

Absolutely. So I am basically the CEO of a 350 person law firm and we handle both 25,030 5000 cases a year budget of about \$21 million. I have limited resources. And if right now as of today, we've had 34 homicides since January 1 in Suffolk County, Massachusetts, we have a 20% solve rate and non fatal shootings, which is not good for the non masters. That's bad right here like as in in 80% of the times a non non fatal shooting happens. We don't solve it. Let's put our money and in most of our efforts there, no one's saying that with trespassing and shoplifting, that it's a free for all and you can do that. But there are ways that we can issue civil fines we can do stay away orders. The overwhelming percentage I will comfortably say 50% of the people that touch our municipal and district court systems for low level misdemeanor non violent non serious crimes, mental health issues, substance use disorder. homelessness, hunger. Those four things, not every person. But the overwhelming majority, I would be comfortable to say. And what I want to do is get you food, a place to live, some treatment for your mental health issues, or treatment for your substance abuse disorder. And accountability isn't even the right word. When you have a health issue, right. And so I will push back and say with the opioid crisis we have right now in the United States. It's the health crisis that it's always been, but when it was the 80s and 90s, and it was black people and Latinx people and it was crack cocaine. Nobody gave a shit. Excuse my language. I don't know what this is. All right. But anyway, you get it right. Nobody cared. It was arrest arrest, get them out of here. It's a problem. Now that it could be the President's kid or the governor's kid or this legislators kid. Miraculously it's turned into this health. The issue, it always was, who I am as the DA is I don't mince words. I'm brutally honest. And I think that's going to allow communities to feel comfortable and say, Well, wait a minute. Did the district attorney just say that there are racial disparities? Yes, that's exactly what I said. Let's marinate in that uncover a moment. But let's move forward. How are we going to, we can't just stay in the comfort. We can't just tantrum and say like, it's not fair. It's not fair. It isn't fair. But this train is moving. Let's at least have the right conversations. Get some people that have been deeply impacted by injustice, wrong racial inequities and straight up prejudice at the table with us, so we don't do it again, and think of solutions. So, for me, I have a list of 15 crimes that in the first instance, we aren't going to think about incarceration, but it's buckets right? It's Hmm, if you are somebody who's never done this before in your life, you are obviously on some substance right now, I want to know promise you and hopefully get you into a program, as in you are not branded with a record, you are not even arraigned, I have the authority to do that. If it's you, and you've done this two or three times, maybe four times in the last year or two, depending on what it is, if it's a, you know, receiving stolen property, but under a certain amount that's a misdemeanor or a shoplifting. Maybe I asked the judge, Your Honor, can you give him eight hours of community service and then dismiss it right? or whatever, it but if it's me, and this is the fifth time I've done this in the last three weeks, I'm getting arraigned even, you know, even if there are some significant issues and then what I think people don't understand is self harm. Our community has a lot of empathy for simply Before, but when you turn that on to our community, so we had a person, significant mental health issues, but she stabbed an MS worker and brutally stabbed this person. She is being held in a facility where she's getting treatment, which is ideal for her, but also keeping the community safe. Right. So I am fully

capable. I'm not soft on crime. I'm smart on crime. Right? You see, I worked in the name of the Tina. Right? Exactly, yeah. But we're smart because we are actually saving the community money. And we're investing our resources in the things that are violent and not keeping us safe.

Josh Hoe 17:38

So I have a couple of friends who are running as progressives become district attorneys right now one in Michigan and one right here in New York City might actually be visiting me here in a little bit. What have you learned since you one that could help other progressive prosecutors as they move into these jobs? So I sure have having followed some of the story of what's been happening with you, I'm sure you've got Locked in here?

Rachael Rollins 18:01

Well, first of all, I want to say to them, I'm proud of you. Because stepping up and putting yourself out there to run for office, whether it's DA or anything is brave, right? Because it's very easy to, you know, gear from the sidelines and not get involved in do anything. So number one, I'm proud of them. Number two, it's a tough game, right? Like, there are approximately 2400 prosecutors across the country on the state level, or local level. And there's only about 30 to 40 of us right now that are considered progressive. So, you know, it's like the x men, right? Like where the Justice League there aren't many of us so, you know, it's always wonderful to see somebody who has like wings or your eyes turn into something I don't know. But you get it right. Like, I just what I want to go Yeah, exactly. You gotta you gotta I want them to hear me say reach To us, ask us for help. Right? I endorsed Tiffany Gabon. She was ultimately not successful in Queens but I was so impressed with her drive and her passion will close very close. I have endorsed Chester boo Dean who's out in San Francisco. Now George Crestone is not running for San Francisco da. I'm hoping that he might be considering running for da somewhere else but but we will, we will grill you and we will hopefully endorse you or I would argue I'm like the second round. You know, maybe even the third round of progressive prosecutors you have the Maryland most beast in the Stephanie Morales is that we're in 2015. You have the Kim foxes and she cook Cook County, Chicago, and then the Larry Krasner, who came after her. And then Wesley Bell, who's in St. Louis and myself, and Santana Dewberry, for example, in North Carolina, there's another sort of group of us there. I would encourage them to Google us, like, call us get some of our policies, see whether you agree with us or not. And we've done a lot of the hard work already. Don't recreate the wheel. But get ready because it's like an all you can eat pie eating contest, and then the prizes more pie, right. But I just don't want any more. So but I will say, you're going to gear up, I had a primary that I want. It was five of us. I won with over 40% of the vote and my primary and then I had an opponent for the general, we won with over 80% of the vote in the general. That was November six, I got a transition team together, put on some returning citizens, citizens citizens got reamed by the media, because it's like you're letting the fox in the henhouse type of stuff. But I'm like, why wouldn't we have people that actually understand our system? talking to us about how our system works, right. And I don't want all law enforcement In here, and then I started work January 2, and it's been like drinking out of a fire hose since then. So honestly, it's just reach out to us. We're here. I'm working as much as I can to try to keep my eye on some of these races

and offer myself but we are, we are freedom fighters we really are. And what I what I like to remind people is you can have the best criminal defense attorney in the world. If the prosecutor won't even pick up the call to discuss a plea, you're going to trial. And that's not fair. But that's the system that we have. And ultimately, I believe it's a system that you know, people like to say it's broken. It's actually working exactly the way it was set up to work poor people don't bode well in the system. Unless you understand. It's like playing a video game. You need a key card, right? Like you need all the codes and if you don't have them, yeah, the cheat codes But I'm like old school Atari personally like I'm not

Josh Hoe 22:04

I think I still have the original Atari somewhere

Rachael Rollins 22:06

We're gonna be friends after this.

Rachael Rollins 22:10

But but you get it right like you need. You need really good people that understand how much power this office holds to start dismantling some of those, though part of part of these, you know, these systems that are set up to let the house win every time, right and so I look at that and say, it is my honor to be the DA I worked very hard to get here. And on the hard days, I look at myself and say, Stop complaining you fought you you ran for this office and won twice, you know, but but it is it When did you like that it's more pie. But I will tell you, it's an honor and a privilege to do my job every day.

Josh Hoe 22:56

So this kind of a to build on that. You know, we're all kind of part of a growing and multifaceted movement for reform couldn't be said we've come a long way in a relatively short time. But where do you think we are? And what do you think the biggest problem we still are facing as a movement from your perspective is?

Rachael Rollins 23:15

Yeah, I mean, I think we're in the beginning of a really, I hope, await a wave, right of more people stepping up and recognizing and paying attention, like what I think was really great. The ACLU had a net nationwide, sort of campaign and they did it in Massachusetts that was called what a difference a DA makes, right? And so they educated the public. They couldn't endorse a candidate, but just most people think the judges the most powerful person in the courtroom. Most people think the police, but the police arrest right. If the DA DA process you barely You don't even have to go before a judge for us to know. What a lot of people don't understand is we don't even ask A judge, Your Honor, can you enter this G? Can you approve this? And I'll promise. It's just entered. Right, like, so. We are the sort of centerpiece of you don't get into the courthouse without us. And nobody gets probation doesn't get involved unless the DA says, Here you go, Your Honor, we're asking for the following. So I think where we are is, I want this to be a multi headed, you know, monster where we're looking at DA. But we also need to look at

sheriff's, right. We also need to look at who our governors are. Because if they appoint your Executive Office of Public Safety, like in Massachusetts, that person controls all the departments of corrections. So in Massachusetts, our sheriff's are elected, they're 16 of them. And you if you do time, up to two and a half years, you go to a house of corrections, anything two and a half years all the way up to natural life because we don't have the death penalty. It's Department of Corrections. That's separate. Terry Turkle, our facilities are not great. The treatment and care that people get there is not good. And that's not even a whack at the secretary. It's that we have a 67% recidivism rate. So if you were manufacturing cars and 67% of those cars came back as like you know, when I turned my radio on my seat flies out and my whole family's ejected. You'd be that would be awesome. It was live you live you live but but you get it that you'd be shut down immediately right like so. What are we doing with the people when we send their send their and people love to say Oh, stay in your lane. What I want to say is progressive prosecutors right? recognize my lane is housing. My lane is education. My lane is environmental racism and classism, right? Because it's poor, poor people that get all the dumping grounds from These companies, right? And it's poor people that are marketing, you know, vaping, right, and cigarettes and all, you know, alcohol and guns on every corner. So, in addition to that, I say, it's prisons and, and houses of current and jails. Because if they're coming back to me, and you're failing them, then I need to look in and see what's going on there. Right. And so you need bold, you need a backbone. like to go back to the question before that. It's a constant fight. You know, it's a constant fight and it is lonely because there aren't many of us. And you know, the media changes incredibly hard, you know, this. Everyone wants the result, but doesn't want to go through all of the work to get there. And and we are in the throes of the work right now. So I think the next wave is, I hope to see a lot of people from multiple backgrounds stepping up to say I want to be the DA and then also that people are You know, the voting public is demanding more from candidates. And I will just share if you are a candidate that cares. And you know, for me, I, I was 47 when I ran, I wasn't doing this for shits and giggles, right? Like I wanted to be the DA, I thought, how am I going to win? Right? I started from, you know, my acceptance speech on September 4, working backwards or my get out the vote, what is my 15 second thing I want to be able to say to you, I want to be able to say I have the globe endorsement. I over 75 endorsements, national state and local emerged the women's group. I am the only candidate that's ever managed more than five people and I have an office of 300. I've handled budgets of where, and I was able to do all that because I planned it out accordingly. I would say we need the public educated on what DA is do. What qualifications you need to be exceptional there? And, and how the system really impacts the rest of the community. And it's not in a positive way.

Josh Hoe 28:11

So we're at the Smart on Crime innovations conference. I know you're speaking of it, you want to give a little preview about what you're about.

Rachael Rollins:

So I'm actually on a panel where, you know, it's like candy and prosecutor, can prosecutors and criminal defense attorneys get along? Right, like, Are we the coyote and the sheep dog from



Bugs Bunny? Right, but and what's great is we can, right? progressive prosecutors understand that, you know, criminal defense lawyers, public defenders are us. They understand everything we do, just like we should understand what they do, but many of us don't, because they're standing right there every time we stand up to prosecute, right. So they are a huge part of the system. And I think in our municipal and district courts, it doesn't need to be nearly as adversarial as it is, we can save that for the superior courts were in Massachusetts, we indict up for those serious crimes. And I think ultimately, if our goal is to help the people that come into contact with the system, we should be working together. And so part of what I did was at this graduation, I had the chief counsel for the public defenders, Anthony Benedetti. He was my personal guest at this event where the mayor and the Commissioner of Police and a couple other Chiefs of Police from all my different around my county was there, but I gave him a personal shout out and have him stand up and thanked him for his work. I think we can start sort of messaging differently, right? If I show you value and respect, and I'm the leader of this organization, then I demand that my staff or the people that I work with my peers, do the same to their peers. And then also, we had a we we had as I think I mentioned earlier, My group of 80 as the assistant district attorney's coming in, they visited national Street. They had a panel of public defenders and criminal defense attorneys. They had a panel of survivors and victims. They had a panel of judges, they had a panel of probation officers, and they had a panel of defendants and significant defendants, as we said earlier. So I think you got to put your money where your mouth is, right? Like, it's very easy to say, like, we value everyone or have really nice slogans on the wall. But if when you walk into your job, you feel like shit every day. I don't care what that poster says, My boss treats me poorly. And only, you know, men are promoted or you have to have gone to this school. I don't care what color race gender you are. If you went to Harvard, you're going to succeed here, but if you didn't, you aren't. So it's the culture. And we have to make sure that leadership, I take I take that role very, very seriously.

Josh Hoe 31:00

Well, I want to thank you so much for doing this. It's a real pleasure to get to

Rachael Rollins 31:03

it was awesome to talk to you guys. Thank you. Thank you so much. And you too. Thank you. Alright.

Josh Hoe 31:11

Hope you enjoyed that special episode of decarceration Nation. Any content from the Smart on Crime conference was courtesy of the Center for American Progress. JOHN Jay College of Criminal Justice and the Draper Richards Kaplan foundation. As always, you can find the show notes or leave us a comment at decarceration Nation com, make sure to check out our new t shirts, sweatshirts and hats. If you want to support the podcast directly, you can do so from patreon.com slash on pirate satellite. You can also support us by leaving a five star review from iTunes or like us on Stitcher Spotify. Special thanks to Andrew Stein, who does the editing and post production for me and Robert Alvarez, who's been helping with the website. Thanks so much for listening to decarceration Nation podcast. See you next time.

