

# Mid-Term Report

## Summer 2021



The Office of Suffolk County District Attorney Rachael Rollins



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# A Message From Rachael

## TO THE PEOPLE OF SUFFOLK COUNTY

When I was elected, I promised the people of Boston, Chelsea, Revere, and Winthrop that I would bring a new lens to criminal prosecution.<sup>1</sup> I promised to rebuild trust in over-policed and over-prosecuted communities, to seek alternatives to incarceration, and to lead with a public health approach in cases involving substance use, mental health, and housing and food insecurity.

I made these commitments after consulting closely with the people and communities most impacted by the work of this Office: local residents, victims and survivors of crime, police officers, community-based organizations, members of the defense bar, judges, people serving sentences in jails and prisons, and people returning home from those facilities. I also promised that our Office would be data-driven in everything it does, and this means conducting empirical research, carefully reviewing local and national crime and case trend data, and consulting best practices before implementing, updating, or repealing countywide policies.

At an Executive Team Retreat in February 2020, our leadership team selected core values for the Office: Help Heal, Be Brave, Serve Humbly, Respect Everyone, and Work Smart. These are guideposts for us and should be our True North in the decisions we make. In fact, whereas in the past, only lawyers were required to take an oath upon joining our team as Assistant District Attorneys, I now administer an oath to all new staff members, including ADAs and interns, in which they swear to support and advance the core values of our Office.

In November 2018, the voters of Suffolk County overwhelmingly voted in favor of the approach to public safety outlined in the pages of this Mid-Term Report. Throughout the remainder of this term, this document should serve as the baseline for how this Office conducts its business. Many continue to claim that decarceral policies such as the ones highlighted in these pages are responsible for crime increases, but the data in Suffolk County contradict this claim.

In 2020, despite the many impacts of COVID, Suffolk County experienced an overall crime decrease of 4%.<sup>2</sup> Through August 22, 2021, Part One crime in Boston decreased 16%, while gun homicides decreased 50%.<sup>3</sup> These crime decreases occurred as this Office implemented one of the most comprehensive decline-to-prosecute policies in the country, largely because our police partner agencies and newly constituted Crime Strategies Bureau united to bring swift prosecutions against the most violent individuals in our communities, and carefully utilized diversion in all other cases where appropriate. The bottom line is that progressive policies work: they keep us safer, they reduce future contacts with the criminal legal system, they save taxpayers money, and we must not waver or return to the thinking of the past.



**RACHAEL ROLLINS**  
SUFFOLK COUNTY  
DISTRICT ATTORNEY  
August 2021

**"When I was elected, I promised the people of Boston, Chelsea, Revere, and Winthrop that I would bring a new lens to criminal prosecution."**

- District Attorney Rachael Rollins

Suffolk County District Attorney Rachael Rollins' Office serves the communities of Boston, Chelsea, Revere, and Winthrop, MA. The Office generally, per year, handles over 20,000 criminal case filings and conducts more than 1,000 criminal investigations. More than 160 attorneys in the Office practice in nine district and municipal courts, the Boston Juvenile Courts, Suffolk Superior Court, the Massachusetts Appeals Court, and the Supreme Judicial Court.

The Office employs some 300 people and offers a wide range of services and programs to serve anyone who comes into contact with the criminal legal system. This Office is committed to educating the public about the services we provide, our commitment to crime prevention, and our dedication to keeping the residents of Suffolk County safe.

# Reviewing the First Two And a Half Years

## January 2019

Rachael Rollins was sworn in by retired SJC Justice Geraldine Hines as the first female District Attorney of Suffolk County and the first woman of color elected District Attorney in the Commonwealth.



## April 2019

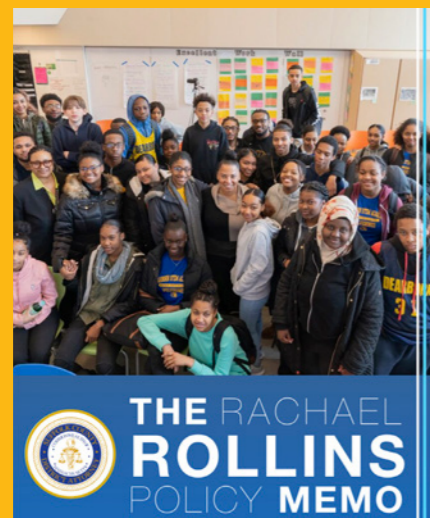
DA Rollins, joined by Middlesex County DA Marian Ryan, La Colaborativa, and Lawyers for Civil Rights, sued ICE and won a preliminary injunction ending the Trump-era policy of making civil immigration arrests in and around public areas of state courthouses. The Commonwealth was the first state in the nation to end such disturbing and disruptive practices. The Biden Administration recently enacted a similar policy.

## September 2019

A Single Justice of the SJC sided with SCDAO in concluding that a trial court judge had no authority to interfere with the Office's prosecutorial discretion to decline certain cases and to move forward on others.

## September 2019

DA Rollins welcomed her carefully selected class of ADAs, who went through a reconceptualized training program that emphasized not only the nuts and bolts of prosecution, but also the lived experiences of stakeholders in the criminal legal system, including both survivors of crime and those who were responsible for harm. She also implemented a policy of having each new ADA visit the Nashua Street Jail.



## March 2019

The Office released a 66-page policy memo that implemented a policy of presumptively declining to prosecute low-level, non-violent crimes and several other progressive policies. Two years later, in March 2021, the public safety benefits of this groundbreaking approach were validated in a study published in the National Bureau of Economic Research.

The last two and a half years have been jam-packed with accomplishments that SCDAO staff have worked tirelessly to achieve, whether it's forming the Integrity Review Bureau or our innovative work meeting the needs of child abuse survivors in an unprecedented global pandemic. SCDAO continues to pursue accountability, provide the highest level of service to victims and survivors, and work toward a more equitable criminal legal system. Here are some milestones from along the way.

## January 2020

DA Rollins convened the defense bar, students, and SCDAO staff for a viewing of the film "Just Mercy" with exonoree Fred Clay. She wrote and presented an apology to Mr. Clay on SCDAO letterhead.



## December 2020

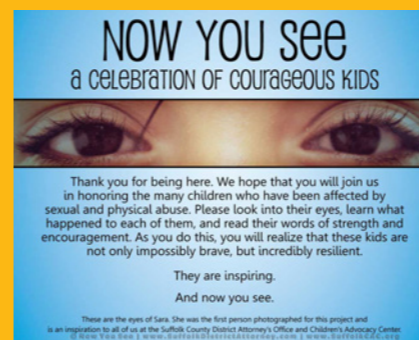
In December we fought for the release of Robert Foxworth, who was wrongfully convicted and incarcerated for nearly 30 years. He is finally home.

## March 2021

DA Rollins drafted an assent to a Motion for a New Trial for Sean Ellis. Later, a Superior Court judge granted the unopposed Motion and vacated Sean Ellis's last remaining conviction connected to the criminally and unconstitutionally mishandled investigation into the murder of a Boston police detective. Decrying egregious police corruption and prosecutorial misconduct, DA Rollins then entered a *nolle prosequi* on the final remaining charge.

## September 2020

Our first-in-the-nation Integrity Review Bureau released its Law Enforcement Automatic Discovery (LEAD) database, which holds police accountable by releasing the names of Officers who were deemed not credible by a judge or who have engaged in criminal, discriminatory, or other inappropriate conduct. LEAD is the fourth pillar of IRB, which also includes Conviction Integrity, Sentencing Integrity, and Case Integrity.



## April 2020

During the pandemic, SCDAO was the first Massachusetts agency to offer fully remote and partially remote forensic interviews for child abuse survivors. We conducted 287 of these interviews, and counting. Some of these survivors participated in Now You See, an artistic effort to recognize and empower those who have been impacted and harmed by sexual and physical abuse and exploitation.



## April 2021

The Office announced a sweeping plan to remedy the significant and ongoing harm caused by the catastrophic failure of management at the state drug lab by vacating potentially up to 75,000 Suffolk County convictions resulting from any analysis conducted at the lab between May 1, 2003 and August 30, 2012.

# Help Heal

Our country's law enforcement and criminal legal system have been deeply intertwined with its long and unfortunate legacy of race-based policing and prosecution<sup>5</sup> and the resultant trauma and stigma inflicted on BIPOC (Black, Indigenous, People of Color) communities. Evidence of the disproportionate burden<sup>6</sup> of the criminal legal system on Black and brown Americans, in particular, and the harm accrued over generations, is now overwhelming.<sup>7</sup>

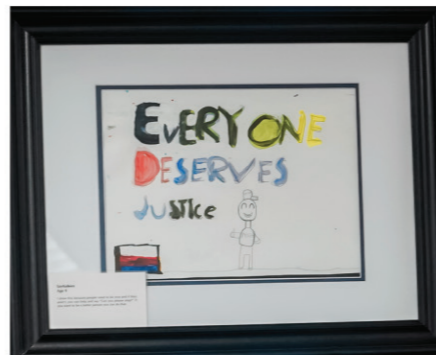
This Administration made a commitment to **Help Heal** our communities from this legacy through a public health approach to public safety. For BIPOC communities, these needs include redress for generations of unaddressed trauma,<sup>8</sup> experiences of racism,<sup>9</sup> environmental harms,<sup>10</sup> health inequities,<sup>11</sup> and economic injustice.<sup>12</sup> To transform an office and a system that have in many ways contributed to these problems throughout history is no small thing, but the scale of the work is only one reason it is so urgent, and so important.

We began this work immediately, starting with **The Rollins Memo**. In The Memo, we announced new policies, a more diverse staff representative of the communities we serve, new bureaus and initiatives, an overarching public health focus, and more.<sup>13</sup> Many immediately predicted that the sky would fall based on these changes.<sup>14</sup> It did not. We articulated a policy of presumptively not prosecuting a list of 15 non-violent misdemeanors and vowed to bring a new lens to criminal prosecution.

**Many immediately predicted that the sky would fall based on these changes. It did not. We articulated a policy of presumptively not prosecuting a list of 15 misdemeanors and vowed to bring a new lens to criminal prosecution.**

The sky fell in another way, however, with the outbreak of a global pandemic.

Black and brown Americans are over-represented in the criminal legal system,<sup>15</sup> and similarly are twice as likely to die from COVID,<sup>16</sup> and the criminal legal system, once again, is part of the reason why. Jails and prisons quickly became COVID hotspots,<sup>17</sup> with a rate of infection five times that of the general public,<sup>18</sup> and a rate of mortality three times that of the general public.<sup>19</sup>



We responded immediately with a series of **COVID protocols**. Weeks before the Massachusetts Supreme Judicial Court issued an order creating a presumption of release for certain categories of people in custody,<sup>20</sup> our **District and Municipal Court (DMC)** teams began reviewing hundreds of requests for reductions in bail and changes in pretrial conditions,<sup>21</sup> while our **Appeals Unit** began reviewing motions for new trial, motions for reconsideration of sentences, and more. Both teams agreed in every case where appropriate to allow people at elevated risk of mortality due to COVID to be released from high-risk, tightly confined facilities. When the defense bar petitioned the SJC for emergency relief to decarcerate, we took the extraordinary step of requesting to intervene in the suit as petitioners, rather than respondents. **In all, our staff reviewed over 1,100 case dockets for 818 people, and we agreed outright to the request or took no position for 236 people.**<sup>22</sup> Many more matters were resolved by agreement after further discussion.

Our DMC teams did not stop with COVID case reviews. They began reviewing active default warrants in the Warrant Management System, to ensure people do not get taken into custody on warrants for minor charges on our **Decline to Prosecute List**. After combing through thousands of paper default files in our physical offices, they have entered a *nolle prosequi* in more than 1,026 cases, with another 138 on deck to be declined.

## Revere Youth Zone Art Exhibit

On January 16, 2020, DA Rollins hosted a celebration to unveil a display of artwork created by students for the Suffolk County District Attorney's Office. The personal art pieces reflect the important themes of Hope, Peace, Justice, Resilience, and Community. These amazing paintings are displayed proudly and prominently on the executive floor of our Bulfinch Office.



## Neighborhood Partnerships

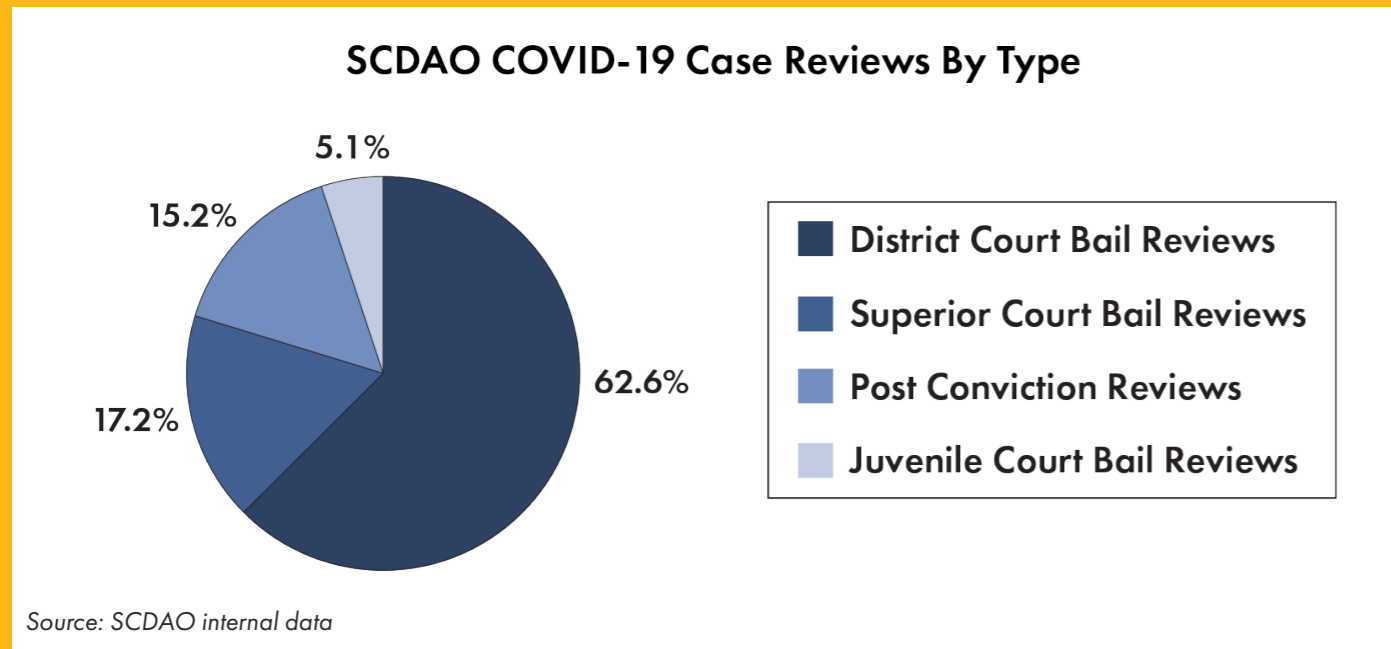
SCDAO continues to partner with La Colaborativa (formerly Chelsea Collaborative) to bring healing and support to Chelsea, one of the cities most significantly impacted by COVID in the Commonwealth. Our Chelsea District Court team volunteered over 30 times in Chelsea and Revere during the pandemic.

## EXTRAORDINARY MEASURES

**When the defense bar petitioned the SJC for emergency relief to decarcerate, we took the extraordinary step of requesting to intervene in the suit as petitioners, rather than respondents.**

# Adjusting Practices Due To COVID-19

Our staff reviewed over 1,100 case dockets for 818 people for pre-trial bail reviews & post conviction relief. We agreed to the request or took no position for 236 people.



The COVID-19 pandemic brought unparalleled challenges and required a high level of scrutiny on bail reviews and requests for post-conviction relief to ensure that the interest of individual health and safety was considered as well as public health and safety.



Swearing in the ADA Class of 2020

In October of 2020, a cohort of 22 new ADAs joined this Office. 55% are residents of Suffolk County, and 32% speak at least one language other than English. Due to the pandemic, the traditional swearing-in ceremony was conducted via Zoom rather than in person. In attendance at the virtual event were SCDAO colleagues eager to welcome the new ADAs, Suffolk County officials, community partners, and members of law enforcement.

Additionally, as courts closed and reopened again throughout the pandemic, the DMC teams regularly reviewed accumulating caseloads to determine which cases could be declined or diverted ahead of the courts reopening and scheduling regular dockets. While thinking ahead in these ways, our specialty court teams also forged new multi-disciplinary partnerships, such as a **countywide outpatient mental health and substance use initiative** and a streamlined veterans' treatment court. Our

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**COVID-19: The Basics**

**What is COVID-19?** It is a newly identified virus that causes respiratory illness. It can be transmitted from person to person, which is why hand-washing and avoiding unnecessary contact with other people is so important to stop the spread.

**What are the symptoms?** The most common presentation of the virus is a mild to severe respiratory illness, including fever, cough, and shortness of breath.

**How can I prevent myself from getting sick?** Follow city and state protocols regarding social distancing (staying at home as much as possible and staying at least 6 feet away from others). Avoid close contact with people who are sick, practice good hand washing, and avoid touching your face with unwashed hands. Clean and disinfect commonly touched surfaces regularly and cover your mouth and nose with a tissue or elbow when you cough or sneeze. Contact your primary care physician to seek medical guidance if you develop respiratory illness symptoms, and call 911 for medical emergencies.

**Where can I get more information?** The U.S. Centers for Disease Control and Prevention (CDC) and the Massachusetts Department of Public Health release daily updates on their websites:  
<https://www.mass.gov/resource/information-on-the-outbreak-of-coronavirus-disease-2019-covid-19>  
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

**For Comprehensive Information about COVID-19 in 57 Different Languages:**  
[https://drive.google.com/drive/folders/1KmaFpW-NFokv8\\_D0irNKiUnb15MEFSk](https://drive.google.com/drive/folders/1KmaFpW-NFokv8_D0irNKiUnb15MEFSk)

**If this guide does not have the information you need:** Call Mass 2-1-1 for assistance navigating resources and social services or visit <https://mass211.org/>

The SCDAO Juvenile Alternative Resolution Program (JAR) staff put together a comprehensive COVID-19 Resource Guide to help serve the community during the health crisis. This guide was distributed to every community resource partner and prominently displayed on our Office website.

lies navigate public health agencies and guidance.<sup>24</sup> JAR simultaneously redoubled its commitment to diverting as many youth as possible away from the criminal legal system in every case where it was safe to do so, the details of which are discussed in greater detail in the following section.

The rise in violent crime experienced in Suffolk County and around the nation during the pandemic should come as no surprise.<sup>25</sup> **The residents hit hardest by the increase in violence also lost jobs, housing, and food security at a significantly higher rate than many other more affluent communities.** They lost in-person violence intervention, counseling, schooling, and the associated support and engagement of schools—a significantly harder loss for students with IEPs, students facing food insecurity, and those for whom English is a second language. Each of these situations alone could be an accelerant for stress and potential violence. Combined, they are a recipe for disaster that our criminal legal system acting alone is unable to adequately address.<sup>26</sup> Additionally, in many poor and BIPOC communities, afterschool and athletic programs ceased to operate. Unfortunately, many remain closed as of this writing, such as the Reggie Lewis Center in Roxbury.

In the midst of an increase in gun violence in mid-2020,<sup>27</sup> our Office urgently and successfully petitioned the state's Supreme Judicial Court to reopen our **Grand Jury**, one of the first to safely re-open in the country.

**Community Engagement Bureau (CEB)** assisted the DMC's diversion efforts by awarding a drug diversion grant to **North Suffolk Mental Health** to fund a full-time position for a public health professional to assist our ADAs by referring substance use cases to appropriate community providers.<sup>23</sup> The CEB also led critical trainings for our court teams on racial equity, mental health awareness, and

self-care throughout the pandemic.

In addition to the work of our CEB and DMC teams, early in the pandemic our **Juvenile Alternative Resolution (JAR)** team received a flood of inquiries from families wanting to be connected to resources. JAR staff acted quickly and assembled a 40-plus page comprehensive **COVID resource guide** to help youth and fami-

**JAR...REDOUBLED ITS COMMITMENT TO DIVERTING AS MANY YOUTH AS POSSIBLE AWAY FROM THE CRIMINAL LEGAL SYSTEM IN EVERY CASE WHERE IT WAS SAFE TO DO SO.**

**Our Multidisciplinary Forensic Team (MDFT) was one of the first in the nation to develop guidelines for and start delivering fully teleforensic interviews and partially remote forensic interviews.**



#### Annual Survivors of Homicide Breakfast

The Suffolk County District Attorney's Office hosts the annual Survivors of Homicide Breakfast to bring together families and service providers. DA Rollins expanded and relocated the annual event in order to host more families than ever in 2019 and held the event remotely in 2020 to ensure that survivors of homicide continue to receive recognition and support amid the COVID-19 pandemic.

**Pictured left:** DA Rollins with some of the outstanding SCDAO VWAs at the 2019 Breakfast.

Since the shutdown began, socially distanced grand juries have returned over 1,800 indictments in some of our county's most serious, violent cases. To better prioritize cases involving gun violence for prosecution, we consolidated our Office's juvenile, gang, narcotics, and human trafficking units into a single **Crime Strategies Bureau (CSB)**.<sup>28</sup> The CSB uses data and close consultation with community partners to identify cases for mediation, prevention, and intervention whenever these are safely possible, and in all other cases CSB prioritizes serious violent crimes for investigation and prosecution.

During the pandemic, the number of referrals for child abuse and child sexual assault from teachers and social workers plummeted as children spent much more time at home and out of physical, and virtual, sight of mandated reporters.<sup>29</sup> This dynamic created new challenges for our **Child Protection Unit (CPU)** and **Children's Advocacy Center (CAC)**. Though case referrals fell by nearly half,<sup>30</sup> our **Multidisciplinary Forensic Team (MDFT)** was one of the first in the nation to develop guidelines for and start delivering fully teleforensic interviews and partially remote forensic interviews. Their quick innovation allowed the team to handle 287 forensic interviews

in 2020, only six less than the year before, and to start the process of healing for survivors of child abuse and child sexual assault. Multidisciplinary teams also continued to conduct investigations, provide victim witness advocacy for caregivers of children who had been abused, and provide medical services/consultation and trauma assessment by CAC clinicians. Additionally, after our CAC team began to see a large and alarming increase in predatory online behavior, they jumped into action, updated SCDAO's **Stop, Block, and Talk curriculum** during COVID, and presented it to more than a thousand young people and partner staff in our communities.

Similarly, we recognized that the pandemic also increased risks for other populations. Worried that victims of domestic violence were not able to obtain the help they needed, our DMC teams compiled on-the-ground information about the procedure for obtaining an abuse prevention order in Suffolk County, and we convened a virtual Town Hall to provide resources to the community around domestic violence and sexual assault. Additionally, in response to an alarming increase in online scams and fraud attempts during COVID, our **Special Prosecutions Unit (SPU)** created a **Covid fraud protection resource guide**.<sup>31</sup>

As these quick-thinking, innovative measures demonstrate, providing accountability and healing for the people and communities harmed by violent crime is at the center of everything our Office does. In furtherance of this mission, prior to the pandemic our Office hired a licensed independent clinical social worker, Charlene Luma, to lead our **Victim Witness Assistance Program (VWAP)**, and under her leadership the program has adopted a healing-centered mission and practices, doubled its language capacity, applied for and received 80% of the state's emergency funds for witness protection, created a **Masters in Social Work internship program**, formalized relationships with dozens of emergency services providers, and applied for and received grant funding to secure emergency housing and other services for survivors of human trafficking who are fleeing dangerous situations.

We have continued to build capacity to serve victims of crime by updating literature that is now trauma-informed and in multiple languages, hiring a resource coordinator to streamline access to much-needed housing and mental health resources, and facilitating trainings on topics such as the **Victims' Bill of Rights**, understanding trauma, and self-care. We have increased the engagement of our **Annual Survivors of Homicide Breakfast**. In 2019 there were over 200 survivors and partners in attendance at the breakfast. In 2020, on

#### Unity Vigil

DA Rollins assured the community that hate has no place in Suffolk County and that her Office would protect every individual's ability "to show up one hundred percent authentically as who we are," without fear of hate or violence.

**Pictured right:** DA Rollins standing side-by-side with Jewish leaders and other elected officials at the Unity Vigil on Brighton Common.



the 10th anniversary of the breakfast, we hired local youth to create a mural in recognition of survivors and victims of homicide. It serves as a reminder to SCDAO staff, partners, and families of our commitment, and dedication to, families of homicide victims. We also participated in **Human Trafficking Awareness Month** by hosting a community conversation with advocates and community partners.

January 2021 marked the 30th anniversary of the horrific Chinatown Massacre. Our Office, in conjunction with law enforcement partners, renewed our commitment to bringing the remaining alleged perpetrator to justice by announcing an increased financial reward. **We stood early with Asian American and Pacific Islander communities and denounced COVID-based xenophobia**, committed ourselves to investigating and prosecuting allegations of hate crimes,<sup>32</sup> and created a resource guide for anyone experiencing discrimination or disparate treatment.<sup>33</sup>

More recently, racial and religious animus fueled acts of violence in Brighton, where a rabbi was stabbed several times in front of a Jewish day school, and in Winthrop, where a man who subscribed to racist and anti-Semitic ideologies shot and killed two Black upstanders who intervened to try to save others from violence. In both communities, these acts of violence and hatred also prompted a significant outpouring

of love and support. This Office had the honor and privilege of being a part of that support network, of letting those impacted know that we stand with them, will be with them through the healing process, and will hold accountable those who perpetuate hate-fueled violence.

This office-wide shift in focus has helped us build relationships, restore trust in our most impacted communities, and redirect institutional resources towards supporting community health—because we firmly believe that public health equals public safety. ■



#### Helping in the Community

DA Rollins and Chelsea District Court Supervisor Myriam Feliz volunteering in Revere to assist with food distribution.

# SCDAO Executive Leadership Team

At SCDAO, we lead with intention, vision, and inclusivity. Among the achievements we are most proud of is a leadership team that is outstanding in achievement and reflects the rich diversity of the communities we serve. The executive team includes a former Chair of the Massachusetts Board of Bar Overseers, a licensed independent clinical social worker, a pastor, a Pulitzer Prize-winning former journalist, and accomplished legal professionals and community leaders. It comprises individuals with lived experience, including immigrants, survivors of homicide and violent crime, and people with family members who are system-impacted and have struggled with substance use and mental health challenges. A majority of the executive team are people of color and live in Suffolk County. Languages spoken include Spanish, Haitian Creole, French, and Cantonese Chinese.



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First Assistant District Attorney



**DONNA PATALANO**  
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**AMANDA TEO**  
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**KERRY LUBIN**  
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**MASAI-MALIEK KING**  
Second Assistant District Attorney



**CHARLENE LUMA**  
Chief of Victim Witness Assistance Program



**DANA PIERCE**  
Chief of District and Municipal Courts

\*Full-time positions created by DA Rollins



**RICK GRANT, JR.**  
Chief of Community Engagement



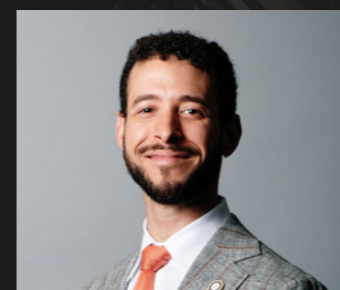
**JESSICA ERICKSON**  
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**ROBERT CONSTANTINO**  
Chief of Innovation and Strategy\*



**MATTHEW BRELLIS**  
Director of Communications



**ERNESTO REYES-HERNÁNDEZ**  
Director of Government Affairs\*



**KARA HAYES**  
Director of Restorative Practices/  
LGBTQIA+ Liaison\*



**RAMON PASCUAL**  
Director of Human Resources



# Be Brave

Being Brave is central to the work of the criminal prosecutor. Our assistant district attorneys (ADAs), victim witness advocates (VWAs), investigators, and administrative staff interact with people who have suffered tremendous trauma and loss, during what are often the most difficult days of their lives. We stand by grieving survivors as they navigate a complicated, drawn-out, and often hostile gauntlet of processes. On the day of trial, survivors and witnesses somberly file into courtrooms only to relive the pain of the original harm as their lives are put under a microscope and scrutinized in court. **Members of our staff are by their side each step of the way.**

As prosecutors, we decide which cases enter the system, which do not, and which interventions, if any, are appropriate. In this context of incredible responsibility, Being Brave means it is the job of this Office to hold itself and others accountable, especially when it becomes clear that our system has no consistent, overarching audit function. A genuine commitment to public safety and concern for the most impacted communities we serve requires us to evaluate the sufficiency of the evidence before us in our individual cases, and also in our systems. It is our job to constantly perform this analysis, even if the results are difficult and politically uncomfortable.

**These two concepts of Being Brave are not in conflict. They are both true.**

When the actions of law enforcement

sow fear in our communities, undermining public safety by making witnesses and victims fearful of showing up to testify at trial or seeking protection and resources from the court and legal system, Being Brave requires action. **On April 29, 2019, our Office filed suit against the United States Immigration and Customs Enforcement Agency (ICE).** Together with Middlesex District Attorney Marian Ryan, La Colaborativa, Lawyers for Civil Rights, and the Committee for Public Counsel Services, we argued that civil arrests in public areas of courthouses violate several legal principles, hinder the administration of justice by making our vulnerable immigrant neighbors fearful of the criminal legal system, and deprive us of our ability to pursue justice and accountability for the residents of Suffolk County. A federal judge agreed, granting a preliminary injunction in June that year, which immediately prohibited ICE from civilly arresting people in the public areas of our courthouses.<sup>34</sup> With this bold action, Massachusetts became the first state in the country to prohibit this frequent ICE tactic.

When judges attempt to usurp our Constitutional authority and centuries-old prosecutorial discretion to choose which cases we prosecute, Being Brave means standing up to their overreach. After a Boston Municipal Court Judge sought to make this Office prosecute several "Straight Pride" Parade protesters exercising their first amendment rights, despite our Office formally declining these prosecutions, we fought back.<sup>35</sup>



### Demanding Change

DA Rollins, speaking Tuesday, June 2, 2020, at the gates of the Massachusetts State House, just days after the world witnessed the murder of George Floyd. The DA called for systemic changes in the criminal legal system and in policing as a result of the taking of another Black life by law enforcement.



### Now You See: A Celebration of Courage

The Now You See exhibit and Bravery Ceremonies seek to empower survivors of sexual assault and other violence to talk about their experiences and to be proud of their resilience and strength.

Our **Appeals Unit** filed an emergency appeal with the Supreme Judicial Court, which quickly overturned the Judge's unconstitutional ruling and ordered that the unlawful arraignment be expunged.<sup>36</sup>

When system actors refuse to take public health measures to save lives during a global pandemic, Being Brave means recognizing that we have an obligation to challenge them. In April 2020, I urged Governor Baker to take swift decarceration measures for elderly and/or infirm persons in DOC custody, to allow for social distancing,<sup>37</sup> and in November 2020 Congresswoman Ayanna Pressley and I sent another letter to the Governor,<sup>38</sup> urging him once again to decarcerate.<sup>39</sup>

Similarly, if our criminal legal system is failing to keep our communities safe,

Being Brave means carefully reviewing all of the available data and evidence and changing course. Immediately upon taking office, our staff partnered with a team of academic researchers from New York University, Texas A&M University, and Rutgers University.

Using as-if random assignment models detailed in a new research paper titled **"Misdemeanor Prosecution,"**<sup>40</sup> this external research team evaluated the impacts of nonprosecution of minor misdemeanors<sup>41</sup> on future criminal charges. They looked at seventeen years of data and reviewed over 67,000 cases. Contrary to the claims of our many critics,<sup>42</sup> **non-prosecution of minor nonviolent misdemeanors such as those on our Decline to Prosecute List decreases the number of new fu-**

**ture cases 67%, and the number of new future felony cases 75%, relative to comparable prosecuted individuals.**<sup>43</sup> Additionally, because 46% of people charged with nonviolent misdemeanors in Suffolk County are Black — which is almost double our population share per the 2019 U.S. Census Population Estimates Program<sup>44</sup> — the nonprosecution of these charges also significantly reduces racial disparities in charging.

These findings support a shift towards non-prosecution and diversion that began several years before I took office. In 2017, the Juvenile Alternative Resolution (JAR) program in Suffolk County began decreasing the number of complaints our Office arraigns and prosecutes by 60%.



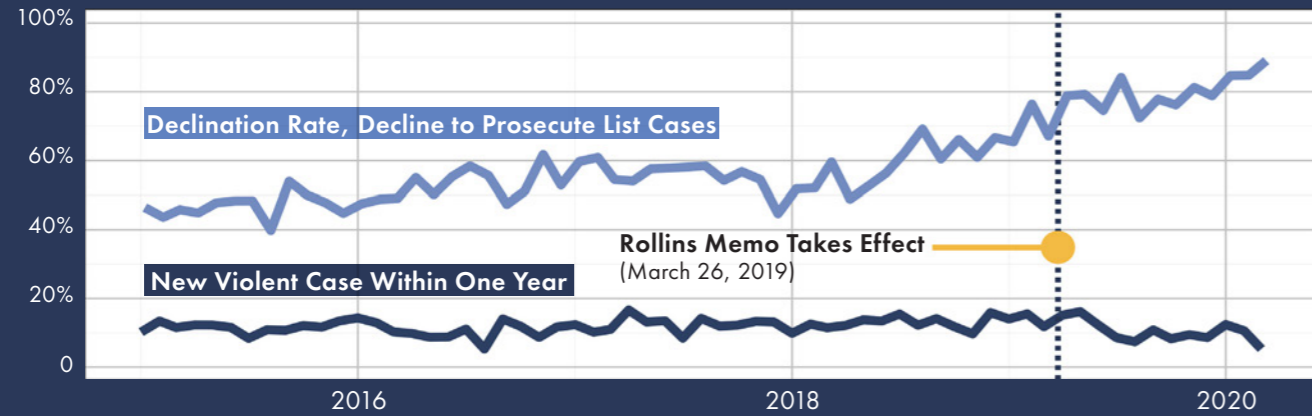
Black Excellence: Elected Officials

### Uplifting Black Excellence

In celebration of Black History Month, in February 2021 DA Rollins convened four separate dialogues with Black leaders who are inspiring and making change across Suffolk County and the nation. For the elected officials panel, the DA was joined by Congresswoman Ayanna Pressley, then-Town Manager of Winthrop Austin Faison, State Rep. Russell E. Holmes, and Everett City Councilor At-Large Gerly Adrien.

## Declination Rate and One-Year Recidivism: Violent Offenses

Critics have, without evidence, blamed a rise in violence squarely on our declination policy. The independently conducted research below clearly shows that a rise in violence did not come from those we presumptively declined or diverted.



Source: SCDAO internal data. Data analysis is current as of March 2021.

Shortly after I took office, we tripled JAR’s staffing and programming capacity, and it now reaches every juvenile court session in Suffolk County. Despite reduced caseloads and frequent court closures during the pandemic, JAR increased the number of cases it diverted from 75 in 2019 to 92 in 2020. **Between FY2017 and FY2020, JAR reduced the number of youth held in pretrial custody from 316 to 131, a 59% decrease, during which time overall crime declined.** A forthcoming evaluation of the program shows that 75% of youth who completed the JAR pilot phase had no new arraignments within one year. These results are consistent with the findings of our academic research partners and we strongly believe that they are neither unique to our region, nor our country.

Over the last two decades, 34 U.S. states<sup>45</sup>

and several countries<sup>46</sup> simultaneously reduced their incarceration rates while crime rates decreased. According to the Brennan Center for Justice, Massachusetts experienced the largest decline of any U.S. state, cutting its incarceration rate roughly in half between 2007 and 2017.<sup>47</sup> Being Brave means that we should acknowledge our state’s significant progress in reducing its total number of incarcerated individuals, while also demanding that we identify and remedy with far greater urgency the many racial disparities that persist. Local crime trend data from Boston, Chelsea, Revere, and Winthrop show that from 2017 through the end of calendar year 2020, overall crime reductions continued with multi-year declines, even despite the many anomalous impacts of COVID (see graphic on page 33).<sup>48</sup> While this trend supports the continuation and expansion of our Office’s decline-to-prosecute

list, multiple categories of violent crime increased significantly in Suffolk County in 2020,<sup>49</sup> despite Boston being a place with an overall crime decrease of 5%.<sup>50</sup> Accordingly, we must take great care to confirm that these increases in violent crime were not related to our new policies, a question that cannot be answered by simple crime and case trend analysis.<sup>51</sup>

**To resolve this question, we partnered with a data scientist from Harvard University to analyze cases impacted by our new policies.**

The preliminary results of the first analysis of disposed cases on our Decline to Prosecute List shows that following the release of The Rollins Memo, the share of these cases that were not prosecuted increased from an average of 54.3% in the four years prior to The Rollins Memo, to 77.6% in the one-year period following its release.<sup>52</sup>

## We must resist knee-jerk carceral reactions to lurid, anomalous anecdotes, and overcorrecting in response to what may prove to be minor, temporary fluctuations in crime rates.

**This increase in the nonprosecution rate for cases on our Decline to Prosecute List was followed by a decrease in the overall one-year recidivism rate, and a decrease in the overall one-year violent recidivism rate** (see related graphic on page 33). Prior to the release of The Rollins Memo, roughly 39% of the people who faced charges identified in The Rollins Memo had a new case filed against them within one year of their original case disposition. That rate decreased to 35% for cases adjudicated in the one-year following release of The Rollins Memo and before the courts closed down due to the pandemic. This additional evidence again confirms that nonprosecution of minor misdemeanors does not cause increases in crime.<sup>53</sup>

2020 was the year of dual pandemics: a global pandemic that ravaged BIPOC communities; and a racial reckoning in our country experienced after the murders of George Floyd, Ahmaud Arbery, and Breonna Taylor. The increase in violence that began last year<sup>54</sup> is largely due to the failure of the criminal legal system to address

social determinants of crime. It actually has nothing to do with a new class of progressive DAs who are carefully scrutinizing available data and wisely using it to move away from outmoded thinking and practices.

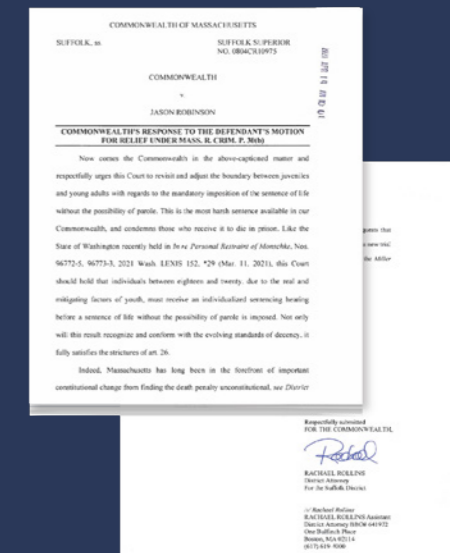
In crafting, announcing, and amending new policies, our Office has taken great care to be methodical, deliberate, and precise. As we gather as much evidence as we can, we always follow it where it leads us,<sup>55</sup> and we ask our partners to do the same. We must resist knee-jerk carceral reactions to lurid, anomalous anecdotes, and overcorrecting in response to what may prove to be minor, temporary fluctuations in crime rates.<sup>56</sup>

**We must resist the temptation of citationless letters,<sup>57</sup> fear-mongering articles,<sup>58</sup> and unsubstantiated op-eds<sup>59</sup> that lack any supportive data and attempt to take us backwards using racial tropes and stereotypes. As the ACLU advised when The Rollins Memo was first released, we must always put facts over fear.<sup>60</sup> This is the very essence of what Being Brave means to us. ■**



### Calls to Action

DA Rollins testified before the Legislature in October 2019, urging policymakers to raise the age of the juvenile justice system to include people under the age of 21. She further advanced that position in a pleading she signed on April 13, 2021, requesting that the state courts provide individuals between 18 to 20 with an individualized sentencing hearing before imposing a sentence of life without the possibility of parole.



**We must always put facts over fear...**

**...this is the very essence of what Being Brave means to us.**

# Serve Humbly

The Constitutional duty of a prosecutor is to seek justice. The criminal legal system typically moves slowly and deliberately, finding facts and weighing evidence. But in some cases — particularly those in which class and race play a central role — the public glare of high-profile cases creates tremendous pressure to move quickly, often at the expense of diligence and even justice itself. Famous examples include Charles Stuart’s racist lie that a Black man murdered his pregnant wife, Carol DiMaiti, in 1989.<sup>61</sup> Tragically, her son Christopher also died some 17 days later. In our rush to put the public at ease and arrive swiftly at a desired result, the police, prosecutors, and the entire criminal legal system, made mistakes. In the days following Carol DiMaiti’s murder, the Mission Hill neighborhood of Boston was invaded and ransacked by law enforcement. As is too often the case, a racist’s lie had a catastrophic, humiliating, violent, and still present impact on Black and brown residents there.

To **Serve Humbly**, we must acknowledge these failures and do everything in our power to correct our past mistakes and prevent future ones from occurring.<sup>62</sup> We must listen, learn,

and grow. To assist in this process, we welcome perspectives and viewpoints different and even adverse to our own, because divergent viewpoints help us broaden our perspective, audit our work more rigorously, communicate more transparently, and catch mistakes and misconduct before it is too late.

**In April 2019, we announced the formation of a first-in-the-nation Discharge Integrity Team (DIT).**<sup>63</sup>

The team consists of a panel of outside experts tasked with assisting DA Rollins in performing a thorough review of officer-involved shootings and other allegations of excessive force. Team members were selected for their expertise in public health, community advocacy, police investigations, and criminal trial practice in Massachusetts courts, as well as their lived experiences, and reputations for excellence. Our members include a retired judge, a survivor of homicide, a criminal defense attorney, and a member of law enforcement. Since its inception, our DIT has reviewed over 15 cases. The work of the DIT, for example, led to the indictment of Massachusetts State Trooper Matthew Sheehan in 2019.<sup>64</sup>

The DIT was created because partners

who work closely together in the criminal legal system — like the District Attorney’s Office and police departments — to prepare cases and secure convictions are inherently biased in favor of each other. This relationship can make it difficult for us to admit to ourselves, or to each other, that a criminal act, Constitutional violation, misconduct, or mistake has occurred. This is why, in addition to launching the DIT in April 2019, **we launched an Integrity Review Bureau (IRB) in December of the same year.**<sup>65</sup>

The IRB, led by a former appellate criminal defense attorney, David A.F. Lewis, investigates credible claims of actual innocence, wrongful conviction, sentencing irregularities, and circumstances where the District Attorney concludes a conviction or sentence does not serve the interests of justice. Most of the IRB’s work has taken place in the midst of the COVID-19 pandemic, leading the IRB to temporarily expand its mandate to include review of post-conviction cases in which a person’s present health status increases their risk of mortality in custody.

In just over a year since its founding, the IRB has significantly built up its staff, updated and expanded the Office’s



**LEAD database** to flag police officers with credibility issues,<sup>66</sup> forged strong working relationships with community-led organizations and networks,<sup>67</sup> created an online case tracking portal,<sup>68</sup> and received over 100 new case review requests and inquiries. In a very short period of time, it has become readily apparent why the formation of this unit was so urgent, and its work so necessary.

**Shortly before Christmas in 2020, our Office successfully filed an emergency petition with the SJC requesting the immediate release of Robert Foxworth, a man who spent 30 years in prison for a murder that reliable new evidence revealed he likely did not commit.**

In 1992, a prosecutor in our Office and a Boston Police Detective on the case placed a 15-year-old witness into custody and threatened and coerced him into identifying Mr. Foxworth as the perpetrator of a homicide. Additionally, hearsay evidence later struck down as unreliable was admitted into evidence against Mr. Foxworth. After the juvenile witness credibly recanted his original testimony, explaining that coercion was the primary basis for it, our Office assented to vacating Mr. Foxworth’s conviction. In January 2021 the IRB team entered a *nolle prosequi* in the underlying case, formally ending the prosecution and removing any future conditions on Mr. Foxworth so that he can begin the process of slowly rebuilding his life.<sup>69</sup>

## Meeting With Robert Foxworth

After an intensive investigation by the IRB, Suffolk prosecutors assented to a motion for a new trial for Robert Foxworth, 53, who spent nearly 30 years in prison for the 1991 murder of Kenneth McLean.

**Pictured above:** DA Rollins and Deputy Chief of IRB Dara Kesselheim who handled his case, sit with Mr. Foxworth. The DA formally apologized for the role her Office played in his 1992 unlawful conviction.

To Serve Humbly we must . . . do everything in our power to correct our past mistakes and prevent future ones from occurring.

10  
Cases  
and counting



DISMISSED OR REMEDIED



321  
Years



OF WRONGFUL INCARCERATION

At the time the case was brought to the IRB’s attention, a man named Pedro Valentin was serving life in prison without the possibility of parole for a murder that occurred in 1991. Pedro’s brother Simon was unequivocally the person who shot and killed Timothy Bond. In a separate trial, Simon was found guilty of second degree murder and paroled at his first eligible hearing. Pedro had conversely been found guilty of first degree murder under a Joint Venture theory for being present when the murder occurred, and would serve the rest of his life in prison. At the time the case was brought to IRB’s attention, Pedro’s brother, Simon, had been free for nearly 12 years. It is legally and logically inconsistent for a less culpable joint venturer to be acting with deliberate premeditation in committing a murder, while the principal and more culpable actor is not. To address this sentencing inequity, our Office agreed to reduce the charges to manslaughter, which ultimately allowed Pedro to

**conviction was secured based on racist policies that clearly violated the defendant’s right to a jury of one’s peers.** In the interest of justice we agreed to reduce the charges to manslaughter with time served (49 years).

In another case that garnered high-profile attention in the Netflix documentary “Trial 4,” several Boston police detectives investigating a homicide were involved in an extensive criminal enterprise with Detective John Mulligan, who was murdered.<sup>71</sup> The living detectives inserted themselves throughout the murder investigation to avoid bringing their own criminality to light. Further, the prosecution failed to properly inquire and turn over significant amounts of exculpatory evidence. Serving Humbly required us to admit that this unconstitutional, unethical, and criminal conduct severely infected the entire investigation. Our Office ultimately agreed to vacate and *nolle*

system actors implicates entire classes of cases. In 2012, in two separate, unrelated drug lab scandals, chemists in Massachusetts were found to be falsifying drug tests or consuming drugs seized by police.<sup>72</sup> **In 2020, this Office agreed to vacate 164 convictions tainted by this misconduct.**<sup>73</sup> In the course of investigating the misconduct of specific chemists, the Office of the Inspector General also exposed broader mismanagement of the state drug lab.

**In 2021, we recently announced the landmark Hinton Lab Initiative, in which SCDAO is in the process of reviewing tens of thousands of additional tainted and infected convictions with defense counsel in order to vacate them.** No longer will our Office object just because we can object, oppose just because we can oppose, or ever again choose finality over justice. Serving Humbly means that our Office does not

**Serving Humbly means admitting that we do not serve the interests of justice when we build cases and convictions upon foundations of mistake, misconduct, criminality, and racial discrimination.**

become eligible for parole.

Recently, the IRB team uncovered a case in which a prosecutor struck every Black juror from a jury in a cross-racial homicide trial. The defendant was Black and the victim, John Labanara, was white.<sup>70</sup> Though there was strong evidence of guilt, and the District Attorney herself had several difficult conversations with the victim’s surviving family members, **Serving Humbly required us to admit that this**

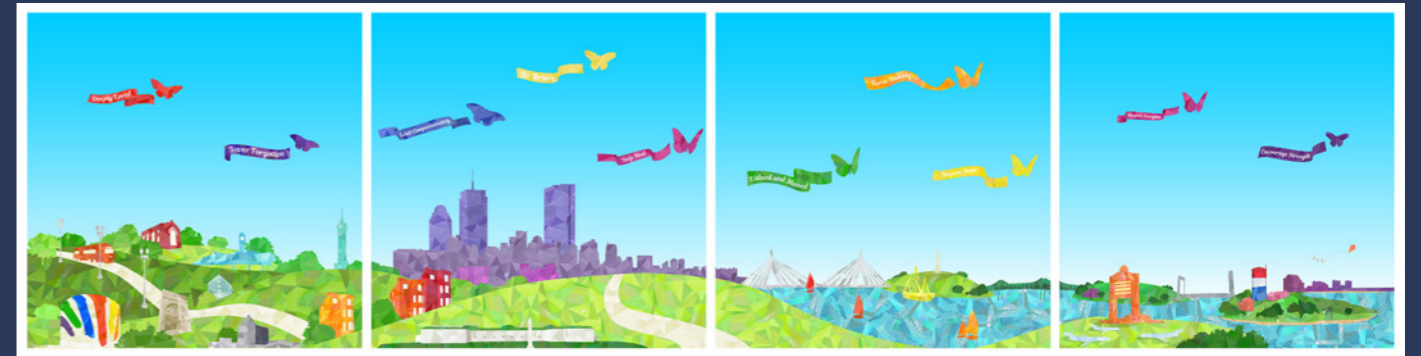
*prosequi* the last remaining conviction against Sean Ellis that was tainted by this corruption.

In total, in the 19 months since our IRB was formed, we have agreed to vacate or overturn decisions in ten cases, resulting in approximately 321 years of time taken from people whose convictions were secured with misconduct, unconstitutional and unethical actions, or criminal behavior.

Sometimes, the criminal behavior of

take positions that are legally right or defensible, but morally wrong or unjust.

We are fiercely proud of the critical work of our DIT and IRB, but Serving Humbly is about more than these units and initiatives. It is an office-wide ethos our entire staff embraces. In January 2020, staff learned a man named Osman Bilal was going to be deported to Somalia where he had spent only two days as an infant on account of a 2011 misdemeanor conviction.<sup>74</sup>



### Survivors Mural By Artists For Humanity

In 2021, DA Rollins commissioned a mural from Artists for Humanity to commemorate Victims’ Rights Week. Some of the young artists themselves are Suffolk County residents and survivors of homicide or violent crime. The artwork showcases landmarks from all of our Suffolk County neighborhoods, with floating ribbons and words reminding us that those whose lives were taken were not just victims. They were family members, friends, and community members, each deeply loved, valued, missed, and never forgotten.

Serving Humbly in that case meant recognizing that these collateral consequences were unduly severe; we successfully petitioned up to the state’s SJC to allow the dismissal of the underlying deportable misdemeanor. More recently, during a jury trial in Superior Court, a victim in an assault case told the ADA handling the case she couldn’t be sure if what she was remembering was true. In a difficult decision, the ADA decided the interests of justice required filing a *nolle prosequi*.

**Serving Humbly also requires us to listen to those who are directly impacted by the work of law enforcement and the courts.** Before COVID, our Office hosted a screening of the film “Just Mercy” with Fred Clay, who was exonerated after serving 38 years in prison for a crime he did not commit.<sup>75</sup> Following BPD’s “Operation Clean Sweep,”<sup>76</sup> our Office met with stakeholders, including the Boston User’s Union, Healthcare for the Homeless, and other service providers to hear firsthand why the city’s actions had been so harmful. We also met with area residents and shopkeepers to understand

how their quality of life has been impacted by the pervasive desperation, trauma, and substance use that is occurring in the area around Massachusetts Avenue and Melnea Cass Boulevard. We never shy away from hard conversations and hearing how we can continue to improve.

Similarly, we need to be patient and understanding when people who have been harmed aren’t ready, or are unwilling, to talk to us. In a recent sexual assault case, one of our victim witness advocates (VWAs) reached out to a victim who wasn’t interested in coming forward at the time. Patiently, our VWA offered support and expressed that she would be there waiting if the victim ever changed her mind. Eventually, the woman decided she was ready, and credited our VWA’s humility and kindness in giving her all of the space and time she needed to work through her decision to move forward.

Just as a one-size-fits-all approach may not improve outcomes for responsible parties, a carceral remedy may not always help survivors, victims, or communities

heal from the harm those parties inflicted. In cases where harmed parties express a desire to speak with the people who have harmed them, **our Restorative Justice team has expanded its facilitation of survivor-led, healing-centered circles both behind the wall and in our communities.** Our Restorative Justice team has trained hundreds of staff, volunteers, community organizations, jail and prison staff, and people serving sentences, on healing-centered restorative and transformative justice principles and practices, and how to carefully and properly conduct circle work.

After decades of our criminal legal system making mistakes and allowing egregious misconduct and injustice to stand mostly unchallenged, it is long past time for the District Attorney’s Office to work hard to repair its relationship with the communities it serves. Serving Humbly requires us to take responsibility, apologize when we are wrong, and include the most impacted communities in everything we do. ■

Just as a one-size-fits-all approach may not improve outcomes for responsible parties, a carceral remedy may not always help survivors, victims, or communities heal from the harm those parties inflicted.



Our Commitment to Restorative Justice

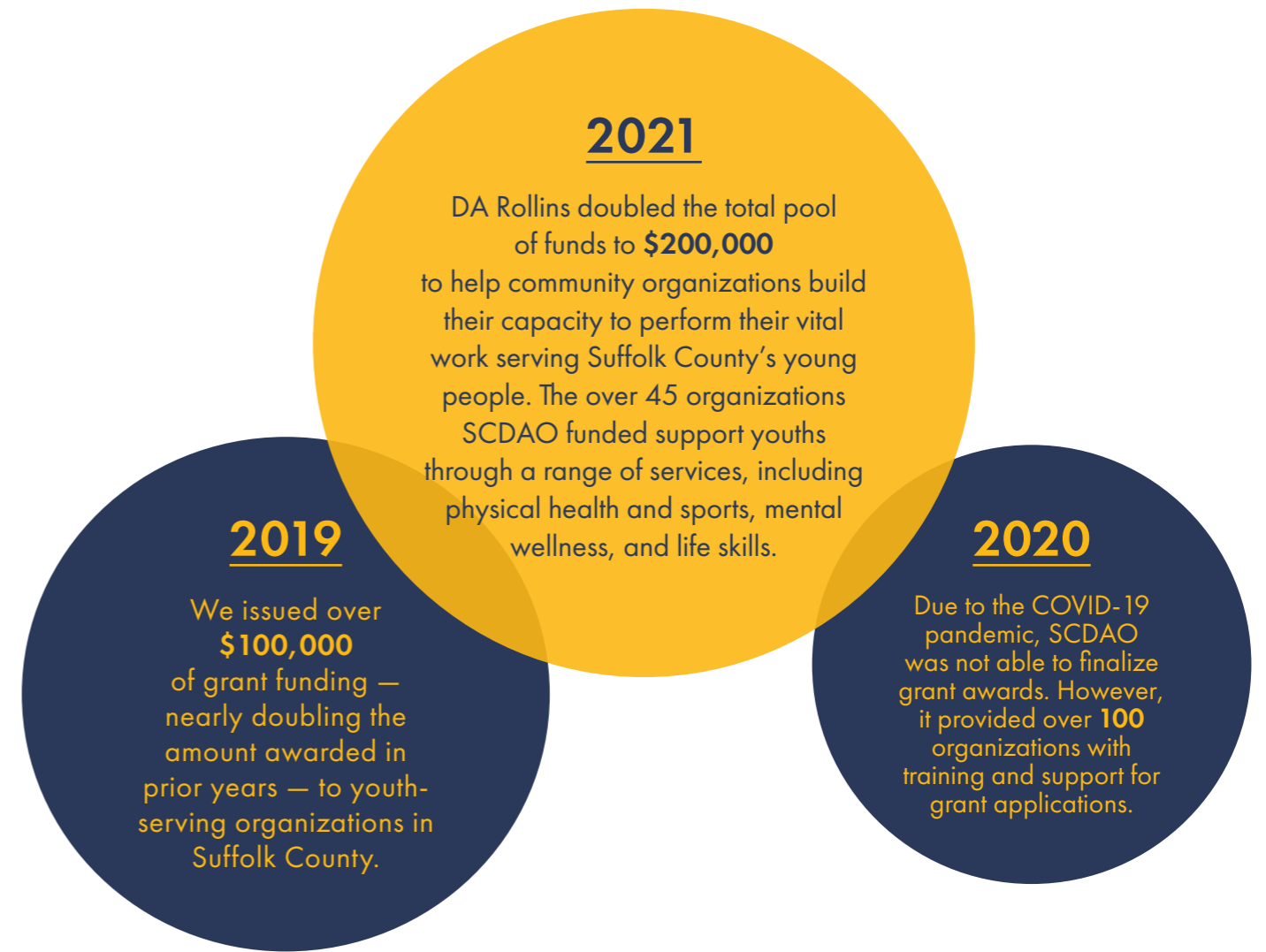
Our Office collaborates with multiple stakeholders, including court staff, schools, law enforcement, youth programs, and neighborhood partners. We are proud to design and deliver training, technical assistance, and coaching for various schools and partner organizations interested in employing restorative practices within their work. The regular restorative justice circles were augmented but did not stop in 2020 with the COVID-19 pandemic.

The photo above shows the Maverick Landing Restorative Justice Circle in East Boston in August of 2020. The children, residents of Maverick Landing, participate in the circles due to the uptick of violence in the neighborhood. They have run regularly ever since their inception. This group includes youth and returned citizens, the East Boston Neighborhood Health Center, the East Boston Soup Kitchen, and Maverick Landing Community Services. In this particular session, we were fortunate to be joined by Boston City Councilor Lydia Edwards.

# Community Reinvestment Grants

**SCDAO strives to protect the safety and health of our communities and their residents.** In pursuit of this goal, we are committed to minimizing practices that perpetuate rather than treat the root causes of criminal behavior.

It is therefore a point of immense pride for this Office to support the work of community-based organizations that directly provide services to deal with trauma, violence prevention, substance use disorders, mental health issues, and disparities in education, and that also advance our goal of minimizing the need for court involvement and supervision when possible. Our **Community Reinvestment Grant program** is one critical component of our support for the neighborhoods that we protect and serve.



# Respect Everyone

Our commitment to **Respect Everyone** is a commitment to valuing the humanity and dignity of each and every person our Office serves. For us, Respect Everyone means acknowledging that we must treat everyone with dignity, but also that after centuries of structural and individual racism,<sup>77</sup> equal treatment alone will never deliver equity to the most impacted people and communities. Accordingly, we must bring a racial equity lens to everything we do.

For far too long our society has conflated punishment with public safety, and this has accelerated a cycle of destabilization, trauma, and recidivism that continues to harm Suffolk County's BIPOC communities. Here, as throughout Massachusetts, the most impacted communities are overwhelmingly Black and brown, including many immigrants. We know that 95% or more of the people who are incarcerated will eventually return home,<sup>78</sup> and that most people return to the same disproportionately impacted communities.

**When people return home they need social support, transitional jobs, meaningful opportunities to secure long-term education and career training, housing, and transportation.** They also need healing from the many traumas and harms visited upon them, sometimes by the system itself.

Yet healing and upward mobility are too often out of reach for the Black and brown residents of our state. Black Bay Staters have a median net worth of \$8

compared to \$247,500 for white people.<sup>79</sup> Black renters are "ghosted,"<sup>80</sup> keeping Boston one of the most segregated cities in the nation.<sup>81</sup> Black-owned businesses received 0.4% of Boston's city contracts over the last five years.<sup>82</sup> Meanwhile, only three of the state's 80+ Superior Court justices — where the most serious cases are heard and where charging and sentencing disparities are pervasive — are Black.<sup>83</sup> Black people are seven times more likely to be sentenced to jail or prison than their white counterparts, and serve on average 168-day longer sentences.<sup>84</sup>

**This history of discrimination and racism can only be countered through an unyielding commitment to re-envisioning our criminal legal system and our society.**

For us, this starts with being more open, transparent, and accountable. On the first day of this administration, we instituted an open-door policy, signaling to our leadership team and staff that this ethos should extend beyond our physical offices and into the culture and practice of our entire organization. Recognizing that our Office should reflect the rich diversity of the county we serve, we hired and promoted a diverse array of individuals into leadership, including the first Asian-American female Chief of Staff, the first Black Second Assistant District Attorney, the first female General Counsel, the first Black Chief of the Victim Witness Assistance Program, the first Black male to lead our Bureau of Community Engagement, and the first queer/nonbinary person to lead our

## Indy

Indy is the first facility dog assigned to a MA prosecutor's office. He has been trained by Canine Companions to encourage calmness and be a source of comfort to people, especially children, in emotional turmoil.



Restorative Justice programming. Respect Everyone acknowledges that full representation is essential, while equity reminds us that representation is merely a starting point in the work ahead of us.

**Over 30% of our Office's new hires speak more than one language, and we have doubled the language capacity of our Victim Witness Assistance Program.** Our finance and human resources teams brought in outside experts to conduct SCDAO's first-ever compensation review, to ensure compliance with the Massachusetts' Equal Pay Act. We hired a Chief Financial Officer, the first ever Haitian-American man to hold the position. We professionalized recruiting, hiring, and promotion processes by hiring a Director of Human Resources, the first-ever Latino man to hold the position. We created hiring guidelines and formal

job postings, and conducted trainings for interviewers and hiring managers to make our hiring and onboarding processes more equitable and inclusive.

Since its formation in April 2019, the Community Engagement Bureau (CEB) has sought to both strengthen existing partnerships with community organizations and strategically diversify our partnerships in alignment with the Office's public-health-based approach to crime prevention. The CEB has been guided by our goal of revitalizing trust between Suffolk County residents and our Office. Prior to COVID, CEB held quarterly in-person town halls in Roxbury, Chelsea, Winthrop, and Mattapan. CEB has held 13 virtual town halls and online forums, and sponsored, created, and attended more than 600 speaking engagements and community events in Suffolk County, including more than 70 staff visits to jails and prisons throughout the state. Through the grantmaking work of CEB, our Office reinvested in our communities, awarding \$100,000 in 2019 and \$200,000 in 2021 to community partners who are doing the vital work of engaging and teaching young people in the

communities most impacted by violence and harm. Our team is working hard to position SCDAO as a leading resource connector for the communities we serve. Public health and public safety require us to be much more than just a traditional prosecution agency.

In addition to convening town halls to address forces impacting Suffolk County as a whole, such as the pandemic and the 2020 election, our Office has reached out to historically marginalized groups and communities. **Our Election Protection Hotline,<sup>85</sup> for example, offered support in English, Vietnamese, Spanish, Portuguese, Cape Verdean Creole, Arabic, Haitian Creole, and Mandarin Chinese, reflecting the rich diversity of the residents of our county.**

As the keynote speaker at the Boston Center for Independent Living's Annual Meeting, DA Rollins addressed the intersections of racism and ableism, highlighting the important role that our Office plays in ensuring that criminal prosecution is accessible and that the Americans with Disabilities Act is properly enforced and reflected in our Office and throughout Suffolk County.

Incarcerated people also deserve our respect. Participating in the Prisoners Legal Service Conference, DA Rollins argued that people who are incarcerated deserve to be treated with dignity and to not be exposed to medical cruelty, as they have been repeatedly during the pandemic.<sup>86</sup> Since taking office, DA Rollins has kept her promise to people who are incarcerated, visiting facilities over a dozen times. All of our Office's new Assistant District Attorneys are now required to visit the Nashua Street Jail, and during their onboarding training they hear directly from a panel of formerly incarcerated people.

In all of our work, we strive to remember that Respect Everyone is an ongoing relationship with the people and communities we serve, rather than a series of boxes to check. We must convey our respect for those we serve every day, in all our actions — in the way we do our work, the choices we make, the way we listen. SCDAO is determined to meet this challenge every day, and in so doing, earn the respect and trust of all of Suffolk County's residents. ■



## Voter Protection Program

Voter intimidation can appear in many different forms, which is why DA Rollins created the **Election Protection Hotline** for the 2020 Presidential Election, which was staffed by trained Civilian Investigators from SCDAO. Hotline staff were able to answer callers' questions on voting rights and election access. Help was available in multiple languages, including Spanish, Arabic, Cape Verdean Creole, Mandarin, Hindi, Gujarati, Haitian Creole, Portuguese, and Vietnamese.

# Community Engagement At A Glance



The first **#RollinsRollOut** took place in February 2020, to great success. We were able to provide students a free afternoon of skating at Chez Vous in Mattapan and music by JAM'N 94.5's DJ Pup Dawg. It is critical we create opportunities where young people positively interact with the DA's Office and law enforcement. We are hopeful that a follow-up event is in our not-too-distant future.



DA Rollins hosted the Office's first Town Hall forum at Hibernian Hall in Roxbury in March of 2019. SCDAO's quarterly Town Halls continued to take place virtually after the start of the pandemic.

DA Rollins believes that in order to serve the community, this Office must be present in the community. Not only when a crime has occurred, but every day. Holding town halls in different neighborhoods across Suffolk County allows us to listen to each community's concerns and far better meet their needs.

**13**

Virtual town halls and online forums.

**600+**

Speaking engagements and community events in Suffolk County.

**70+**

Staff visits to jails and prisons throughout the state.

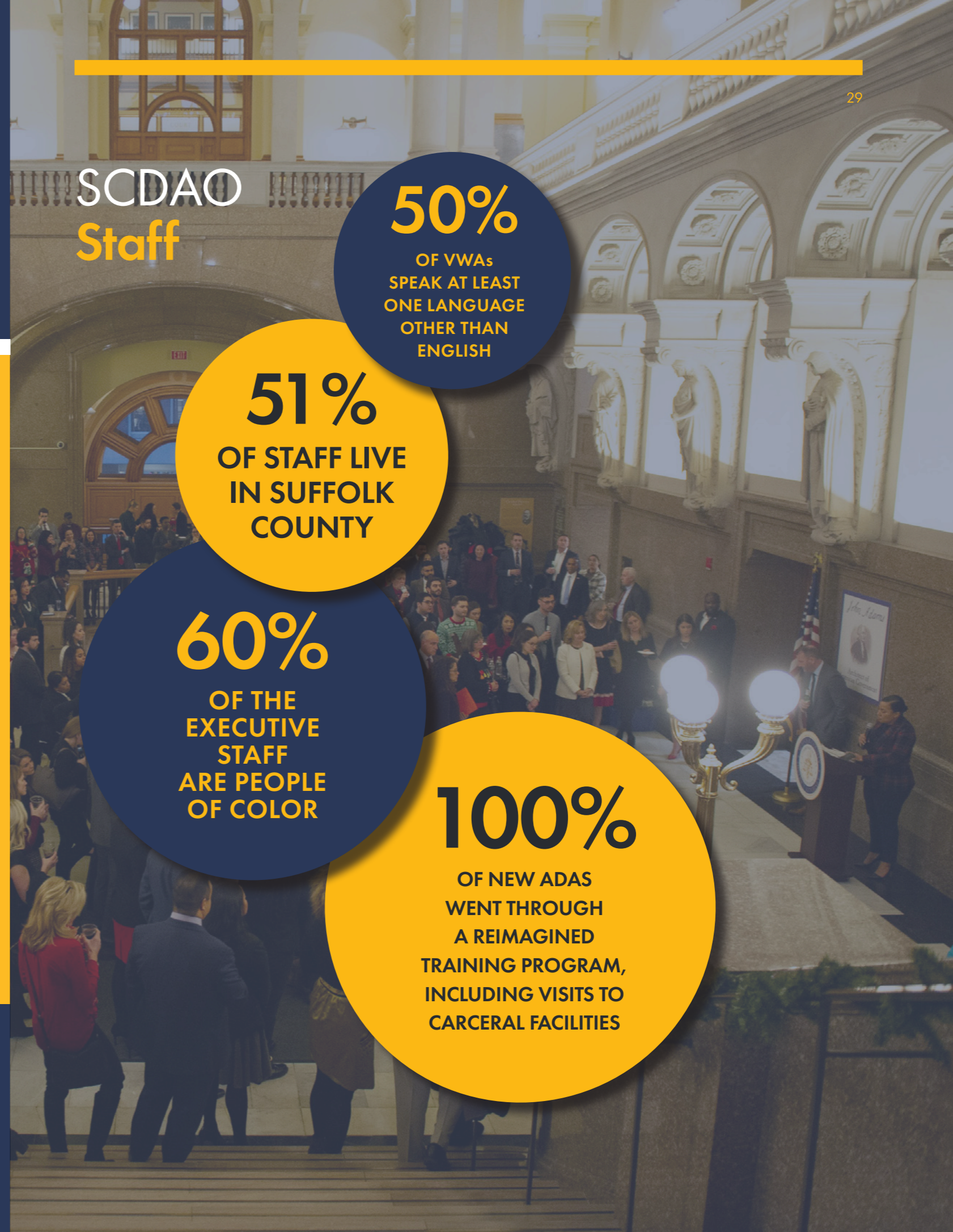
# SCDAO Staff

**50%**  
OF VWAs  
SPEAK AT LEAST  
ONE LANGUAGE  
OTHER THAN  
ENGLISH

**51%**  
OF STAFF LIVE  
IN SUFFOLK  
COUNTY

**60%**  
OF THE  
EXECUTIVE  
STAFF  
ARE PEOPLE  
OF COLOR

**100%**  
OF NEW ADAS  
WENT THROUGH  
A REIMAGINED  
TRAINING PROGRAM,  
INCLUDING VISITS TO  
CARCERAL FACILITIES



# Suffolk County At A Glance

Here is a small sampling of the more than 600 events that our Community Engagement Bureau and DA Rollins have put on, contributed to, or attended in the neighborhoods comprising Suffolk County.

## ROXBURY

Our Office has hosted or participated in over **85 individual events** or long-term projects with Roxbury residents. These events and partnerships included panels, community meetings, and **more than 20 youth-centered events**. During the COVID-19 pandemic, our Office was proud to partner with organizations such as 12th Baptist Church to support meal distribution and pandemic relief.

## MATTAPAN

Our Office has hosted or participated in over **15 individual events** or long-term projects in the Mattapan neighborhood. We have regularly attended community meetings, bolstered youth leadership, and invested in local food vendors and community organizations. Crucial to these successes are the deep-rooted ties of our **Deputy Chief of Community Engagement, Danielle Drummond**, who was born and raised in Mattapan. Our Office hosted our last Town Hall of 2019 at the Mattapan Branch of the Boston Public Library, catered with delicious Haitian patties from Mattapan's Le Foyer.

## CHARLESTOWN

Our Office has hosted or participated in over **12 individual events** or long-term projects with Charlestown residents. Our partnership with the Charlestown Coalition has been particularly central to our relationships in the neighborhood. Our **Restorative Justice Director Kara Hayes** partners with the Charlestown Coalition for weekly restorative circles aimed at building capacity for healing after community-level harm.

## DORCHESTER

Our Office has hosted or participated in close to **100 events** or long-term projects in the Dorchester neighborhood. These events and partnerships range from youth mentorship opportunities to community fundraisers to pandemic relief. Key to the success of these events and partnerships is the leadership of **Chief of Community Engagement Ricky Grant**, who grew up in Dorchester. Among the most fulfilling of our relationships is the reading program that ADA Adrian Bispham leads at the Joseph Lee K-12 School, through which our Office interacts and learns from some of our youngest and brightest Suffolk County residents.

## CHELSEA

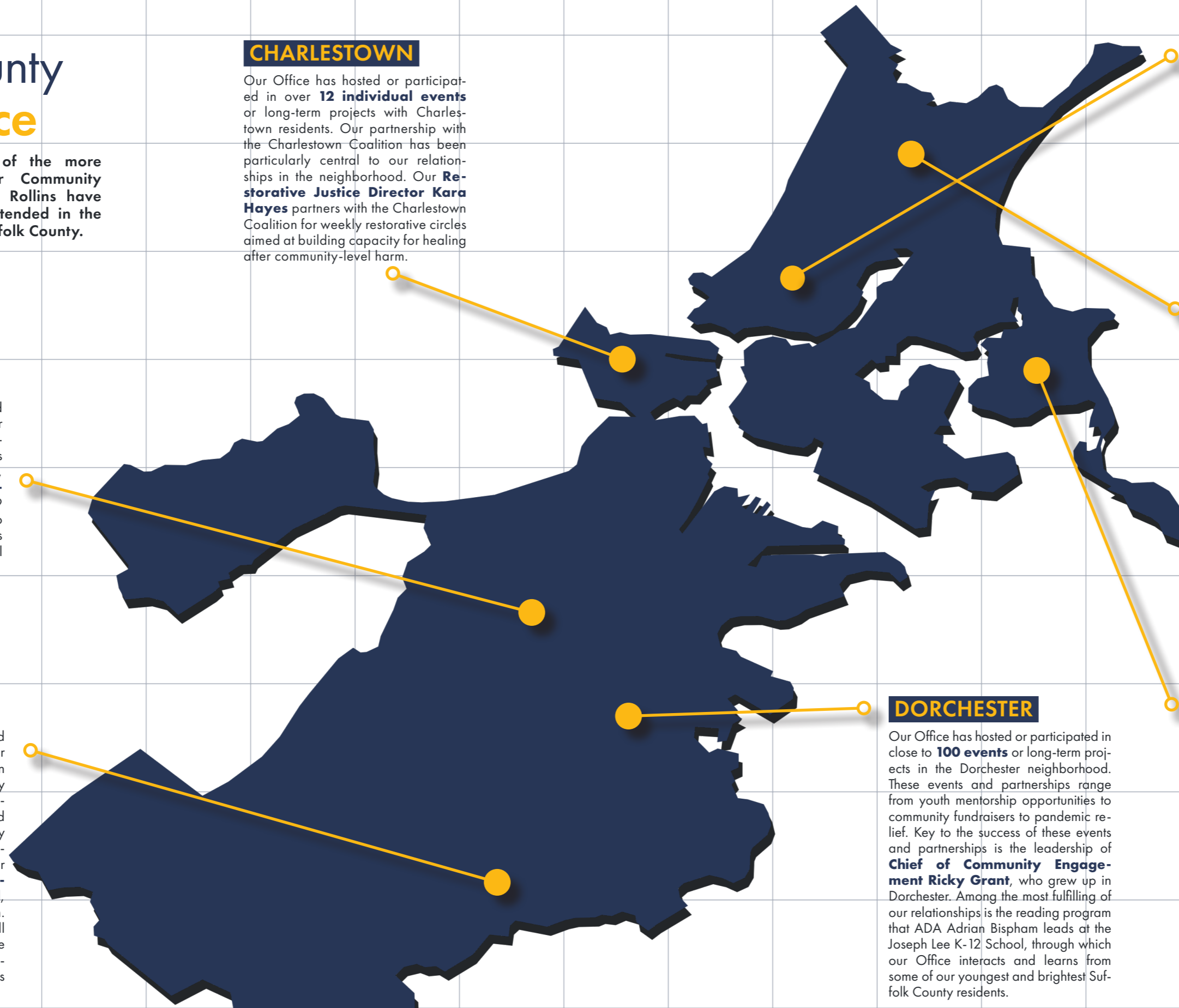
Our Office has hosted or participated in close to **50 events** or long-term projects with Chelsea residents. In recognition of Memorial Day in 2020, our Office commemorated the bravery and sacrifice of veterans who passed away at the Chelsea Soldiers' Home during the COVID-19 pandemic. During the pandemic, our **Chelsea District Court team** rose to the task of delivering food and supplies to Chelsea residents.

## REVERE

Our Office has hosted or participated in over **15 individual events** or long-term projects with Revere residents. One of the most memorable of these came in January of 2020 when our **Director of Youth Safety and Outreach, Jacquelyn Lamont**, collaborated with the Revere Youth Zone to create art symbolizing community and safety that is now hanging all over the walls of SCDAO. These talented artists joined DA Rollins and Revere Mayor Brian Arrigo for an unveiling reception in our Office featuring delicious food from local Revere vendors and celebrating the rich diversity of the city. We also worked closely with the City of Revere Coronavirus Response and Revere Response Center to bolster their meal delivery program during the COVID-19 pandemic.

## WINTHROP

Our Office has hosted or participated in over **10 individual events** or long-term projects with Winthrop residents. Among these was our September 2019 Town Hall at Winthrop High School. We were also honored to host then-Winthrop Town Manager Austin Faison on our recent Black Excellence panel, in which he discussed the work of fighting for housing equity and justice for all Winthrop residents. Recently we have worked closely with Winthrop to investigate the brutal hate-filled murder of Staff Sgt. Ramona Cooper and Trooper David Green. We are committed to helping Winthrop heal.





# Work Smart

Of the 18 primary agencies comprising the Suffolk County criminal legal system, SCDAO has the lowest budget per case of all agencies with publicly available data.<sup>87</sup> Limited resources require us to make difficult decisions about which cases our ADAs, VWAs, and investigators prioritize. Put simply, at SCDAO our budget realities leave us no choice but to **Work Smart**.

**When we released The Rollins Memo in March 2019, one of our overarching goals was to safely begin shifting the priorities of our Office.** Minor misdemeanor cases often are more appropriately handled in community settings, and they are draining our system and consuming resources that are better utilized solving serious, violent crimes, such as our backlog of 1,300 unsolved homicides.

During the first year of the Rollins Administration, SCDAO internal data shows that in the district and municipal courts, there was a 164% year-over-year increase in the number of charges disposed via *nolle prosequi*, from 2,427 charges in 2018 to 6,403 in 2019.<sup>88</sup> In 2020, though our Office saw an overall 38% reduction in case filings due to COVID-19, the percentage of total charges on the Decline to Prosecute List that our Office declined or diverted from prosecution increased from 57% in 2019 to 69%,<sup>89</sup> which is the highest total percent share in our Office's history. **In terms of human impact, this translates into thousands of cases where minor, low-level charges were declined and diverted rather than prosecuted in the traditional course.** Shifting our priorities has allowed us to improve operations in a number of key areas. First, we have been able to improve the strength of the cases our Office dedicates resources to pursuing. In 2019, our **Homicide**

**Unit** increased the number of trials completed by 21% and we launched the **Project for Unsolved Suffolk Homicides (PUSH)**. In 2020, with fewer trials due to COVID, the Homicide Unit expanded its investigations 44% and supervised the review of more than 165 legacy unsolved cases as part of PUSH. Our trial team prosecutors also broadened their experience by taking on appellate briefs under the mentorship of seasoned appellate ADAs. All across our Office, with fewer trials due to COVID, our staff creatively found ways to stay engaged with the important work we do — the ethos of Work Smart.

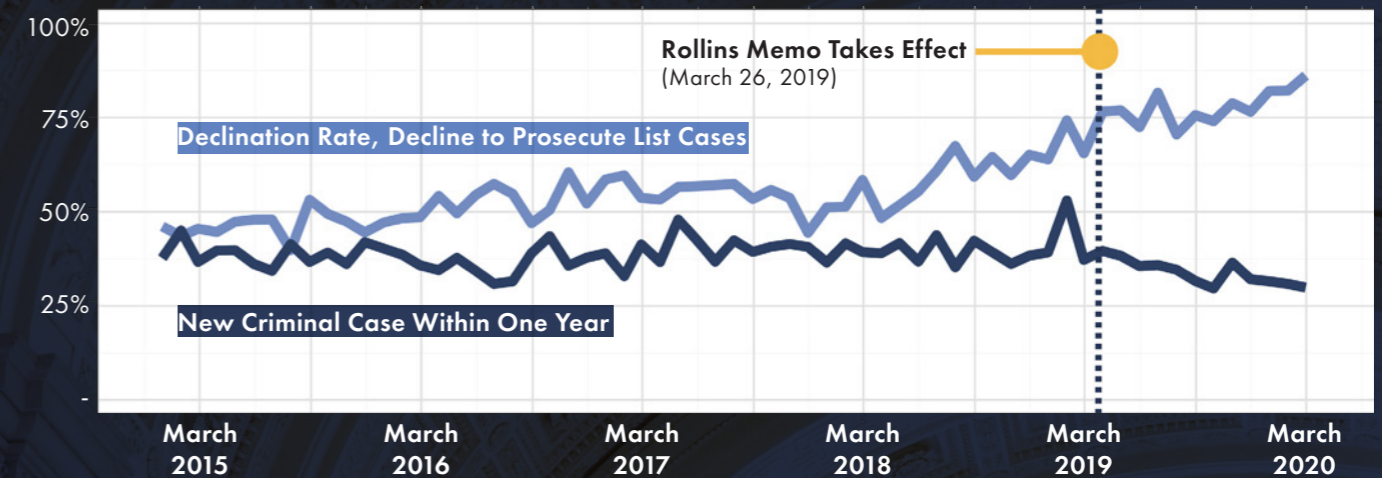
Our grants team applied for and received more than a million dollars in outside funding and technical assistance. This funding supports a wide range of priorities and initiatives, such as a tool to scan paper documents into our case management database, emergency services for victims of human trafficking, and postconviction review of serious felony cases involving DNA testing. Our Office partnered with dozens of academic partners and technical assistance providers, including our selection as an engagement site for the **Vera Institute's Motion for Justice initiative**.<sup>90</sup> We were also selected as an awardee of two technical assistance projects from Boston University's SPARK! Lab, and we have multiple ongoing quantitative and qualitative research partnerships with academic researchers from UMass Boston, Harvard University, the Suffolk University LIT Lab, and many others. Our **Innovation & Strategy Unit** partnered with the Yale Justice Collaboratory and New York University to host a first-ever **#DADDataCon**, which convened data analysis teams from 11 DA offices across the country, and has since grown into a recurring conference with more than 50 national offices participating.

**Minor misdemeanor cases often are more appropriately handled in community settings, and they are overwhelming our system and consuming resources that should be devoted to solving serious, violent crimes, such as our backlog of 1,300 unsolved homicides.**

Internal data from SCDAO and external data from police partner agencies show that, despite dramatic increases in SCDAO's case declination rate, there has been no notable increase in crime and a decrease in overall one-year recidivism.

## Declination Rate and One-Year Recidivism: All Offenses

The graph below shows that as declination rates increased substantially, the rate at which people picked up new criminal cases within one year decreased. Data analysis is current as of March 2021.



## Crime Trends in Suffolk County

Public Part One Crime Data from Boston and public Number of Crimes Data from Chelsea, Revere, and Winthrop, via the state's MassCrime Portal, show that from 2016 through 2020, overall crime reductions continued with multi-year declines, even despite COVID-19.\*



\*Despite overall countywide crime decreases during this period, Revere and Winthrop reported crime increases in 2020, with Revere seeing a 2.43% increase (1,890 to 1,936 incidents), and Winthrop a 33% increase (360 to 480 incidents), in total crimes.

In 2020 our **Public Records Request Unit** received a record number of requests for data and over 1,000 inquiries and emails. So did our Community Engagement team, which received over 1,000 constituent emails and requests for assistance through our new online community portal.<sup>91</sup> We welcome this. It provides transparency and ensures that the community finally believes their questions will actually be answered. Our **IT team** leveraged its time and resources to upgrade computers, migrate an out-of-date system to Office 365, and perform maintenance on aging hardware. Our **Human Resources team** transitioned us from a paper-based time reporting system to a virtual dashboard, skillfully navigated the state's Workshare program to avoid layoffs during the pandemic, and created a digital portal to receive and track job postings and application submissions. Simply put, these units keep us functioning during the global pandemic.

During COVID, our **Professional Development team** pivoted to remote training and delivered over 7,000 hours of training for SCDAO staff and community partners. With fewer trial exhibits to prepare, our **Multimedia Lab** shifted its focus to design, creating informational materials, COVID resources, coloring books to teach kids about internet safety and the courts, and more. Lastly, our **Investigator team** was busier than ever, handling 250-375 investigative inquiries per week, staffing our Office's **Election Protection Hotline** on Election Day, and reviewing PUSH cases.

On top of those responsibilities, they found time to deliver pies and toys to survivors and their families over the holidays.

COVID-19 led to intermittent court closures, but SCDAO kept working. We focused resources on investigating serious crimes. Our **Major Felony Unit** increased investigations by 22%. Our **Human Trafficking/Exploitation Unit** increased investigations by 19%, while our **Special Prosecutions Unit** increased investigations by 33%. In May 2021, after an investigation into an assault on an 11-year-old girl by a 225-pound security officer revealed that the officer had been reprimanded several times previously for excessive force, **our Office entered into a first-of-its-kind consent agreement requiring the corporation he worked for, Securitas, to institute training, policies, and practices to prevent this from ever happening again at any of its 292 Massachusetts locations.**<sup>92</sup>

As with all of our core values, there isn't a checklist to be completed before concluding that our work is done. Working Smart requires us to be proactive in everything we do, to be ever on the lookout for ways to improve our processes, consolidate resources, and use data and evidence to optimize our policies and practices. The residents of Suffolk County deserve professionalism and excellence from their District Attorney's Office, which is why we are committed to Working Smart for them. ■



**First DA DataCon**

In 2019, our **Innovation & Strategy Unit** partnered with the Yale Justice Collaboratory and New York University to host a first-ever District Attorney Office **#DataCon**. This endeavor convened data, policy, and evidence-driven prosecution research teams from 11 DA offices throughout the country, and has since grown into a recurring conference with more than 50 offices participating. The last conference was at Stanford University in February 2020, sponsored and facilitated by the Chan Zuckerberg Initiative.



**National Night Out 2021**

Community engagement is not just the work of a single unit at SCDAO; it is a primary commitment of every person in the office. Staff from the Chelsea District Court, our Community Engagement Bureau, and our Executive Team celebrated with members of the community, alongside Mayor Brian Arrigo, Chief David Callahan, and Kris Oldoni of the Revere Police Activities League, at Garfield Elementary School in Revere during National Night Out in August 2021 (pictured above).

The SCDAO team, sporting Stop Block Talk bracelets, also shared information about our programming at Mary O'Malley State Park in Chelsea (pictured below).



## Closing Message

Though there is a lot of good news to report here, much work remains. In 2018, Massachusetts had the equivalent of the 9th highest incarceration rate in the world.<sup>93</sup> Some police areas, such as B-3 in Boston's Mattapan neighborhood, saw an 11% increase in overall crime in 2019, despite crime declining overall and a record low number of homicides that year.<sup>94</sup> Racial disparities abound, and poor and BIPOC communities continue to shoulder the brunt of the county's violence and trauma. Though homicides declined 31% in Boston in 2019 — representing the lowest number in decades — they increased 43% countywide in 2020, from 42 homicides in 2019 to 60 in 2020.<sup>95</sup> Research in trauma-related disciplines shows that shootings, both fatal and non-fatal, harm entire families, social networks, and neighborhoods.<sup>96</sup> During summer months, some neighborhoods in Dorchester and Roxbury experience as many as 10 shots fired incidents per week.

We need to concentrate our resources on addressing gun violence, especially when decades of peer-reviewed public health data show that so many of these shootings can be prevented with investment in violence interruption programming, jobs, wraparound services, and other data-driven interventions.<sup>97</sup>

Suffolk County has more nonprofit and public health resources per capita than almost any region in America,<sup>98</sup> yet frontline practitioners in the criminal courts, including prosecutors, defense attorneys, judges, police officers, probation officers, and public health service providers working in the various specialty courts consistently encounter waitlists for individuals with substance use and/or co-occurring mental health issues who need housing and are eager to begin treatment. Fear

and stigma shut down progress on Safe Consumption Sites, which leaves individuals struggling with substance use without proper life-saving services.

The application and approval process for substance use and mental health treatment is an unnecessarily complex maze of bureaucracy and paperwork, resulting in yet another roadblock to recovery.<sup>99</sup> There are impossibly long waitlists for transitional and permanent housing placements.<sup>100</sup> There is a lack of resources to support holistic alternatives to prosecution, such as restorative justice, leaving survivors of violence and their advocates waiting for the resources and opportunities to heal that they deserve.

In sum, it is not enough to acknowledge that public health equals public safety without simultaneously funding and scaling public health programming so that all who need it have access to it. We must work with our partners in municipal, state, and federal government to expand the important work being done in our communities. We must identify and build out programs led by people directly impacted by the social problems and challenges we are seeking to change. We must empower mercy. Kindness isn't a sign of weakness; it is decent and just. I am proud to say that in our first two years in office we have taken major strides towards a public health-focused approach to public safety, and we are excited to continue this important work with you in 2021 and beyond. ■

Onward,



**"We must empower mercy. Kindness isn't a sign of weakness; it is decent and just."**

- District Attorney Rachael Rollins





**2019 Boston Pride Parade: Looking Back...Loving Forward**

Hundreds of thousands turned out to celebrate the LGBTQIA+ community in Boston's annual Pride Parade, which marked the 50th anniversary of the Stonewall Uprising. SCDAO showed up and showed out!

# Endnotes

- 1 See: Rollins Memo, pages 4-9: <http://files.suffolkdistrictattorney.com/The-Rachael-Rollins-Policy-Memo.pdf>
- 2 See: <https://bpdnews.com/news/2020/8/31/crime-statistics-january-1-august-30-2019-vs-2020-thcdm-g3ehb-zl76m-2rwtg-7nyzh-9pbb7-dl6cf-2y76s-rj92c-cf4yg-9pdgx-anyec-5yn54-knafg-tmahl>; <https://masscrime.chs.state.ma.us/public/Browse/browsetables.aspx>
- 3 See: <https://bpdnews.com/news/kdp82b69cdlpt24-x5a7n-7h69e-mj8pc-3tml6-ychfx-l4w9w-xpfr9-r44n7-wrpp9-jka5k-rssx6-cnpxc-wlkb-d-3fa2c-te5w5-79w33>
- 4 Nolle prosequi is Latin for “we shall no longer prosecute.” Before or during the pendency of any criminal case, this is a discretionary entry made on the record by a prosecutor stating that they will no longer pursue one, more, or any of the charges contained within a complaint.
- 5 See: [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/civil-rights-reimagining-policing/how-you-start-is-how-you-finish](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/how-you-start-is-how-you-finish)
- 6 See: <https://www.vera.org/publications/for-the-record-unjust-burden>
- 7 See: <https://hls.harvard.edu/content/uploads/2020/11/Massachusetts-Racial-Disparity-Report-FINAL.pdf>; <https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/>
- 8 See: <https://psycnet.apa.org/full-text/2019-01033-001.html>
- 9 See: <https://www.apa.org/pi/oema/resources/ethnicity-health/racism-stress>
- 10 See: <https://www.nccj.org/environmental-justice>
- 11 See: <https://www.hsph.harvard.edu/news/hsph-in-the-news/health-disparities-between-blacks-and-whites-run-deep>
- 12 See: <https://www.bostonfed.org/community-development/advancing-household-economic-security-and-equity/racial-wealth-inequalities.aspx>
- 13 See: <http://files.suffolkdistrictattorney.com/The-Rachael-Rollins-Policy-Memo.pdf>
- 14 See: <https://www.masslive.com/boston/2019/04/top-public-safety-official-in-mass-warns-suffolk-district-attorney-rachael-rollins-that-her-policies-would-put-public-at-risk.html>; <https://www.bostonglobe.com/opinion/2019/05/28/the-true-role-district-attorney/VWBCgWHw2rl8mYOomJYpyN/story.html>
- 15 See: <https://hls.harvard.edu/content/uploads/2020/11/Massachusetts-Racial-Disparity-Report-FINAL.pdf>; See also: endnote 7
- 16 See: <https://www.npr.org/sections/coronavirus-live-updates/2020/08/13/902261618/covid-19-death-rate-for-black-americans-twice-that-for-whites-new-report-says>
- 17 See: <https://www.wbur.org/investigations/2020/04/28/coronavirus-prisons-jails-massachusetts-deaths-cases>
- 18 See: <https://www.cidrap.umn.edu/news-perspective/2020/08/studies-spotlight-high-covid-19-infection-rate-us-prisons>; <https://jamanetwork.com/journals/jama/fullarticle/2768249>
- 19 After adjusting for population characteristics of incarcerated people. See: <https://jamanetwork.com/journals/jama/fullarticle/2768249>
- 20 See: <https://www.masslive.com/coronavirus/2020/04/coronavirus-massachusetts-supreme-judicial-court-rules-pretrial-inmates-who-have-not-been-charged-with-violent-crimes-can-be-released-amid-covid-19-outbreak.html>
- 21 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/3/12/district-attorney-rollins-proposes-immediate-steps-amid-rising-health-concerns>; <https://www.suffolkdistrictattorney.com/press-releases/items/2020/3/19/statement-regarding-decarceration-amid-covid-19-crisis>
- 22 Source: SCDAO Internal Data. Data show these measures appear to have reduced infection rates. According to one study, the state’s county jails, which reduced their incarcerated population 21%, had an infection rate of 36 persons per 1,000, while DOC, which reduced its incarcerated population 9%, had an infection rate of 52 per 1,000 (though it is important to note DOC had higher testing rates than county facilities). See: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2769617>
- 23 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/5/13/da-rollins-announces-funding-for-community-based-drug-diversion-partnership>
- 24 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/3/29/0mcptaq8zn6o8hwutdpey0teo96ur8>
- 25 See: <https://www.nbcnews.com/politics/meet-the-press/blog/meet-press-blog-latest-news-analysis-data-driving-political-discussion-n988541/ncrd1223551#blogHeader>
- 26 See: <https://www.suffolkdistrictattorney.com/press-releases/items/statement-regarding-violence>
- 27 *Id.*
- 28 The CSB’s mission is to proactively improve public safety outcomes in Suffolk County by providing prosecutors with actionable data and intelligence to support case selection and prioritization, diversion opportunities, and ultimately dispositional decisions.
- 29 See: <https://www.nbcnews.com/news/local/as-mass-schools-go-remote-how-many-students-arent-logging-on-2236918/>
- 30 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/5/20/da-rachael-rollins-statement-regarding-decrease-in-child-abuse-referrals-amid-covid-19-crisis>
- 31 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/3/29/0mcptaq8zn6o8hwutdpey0teo96ur8>
- 32 See: <https://www.wbur.org/news/2020/03/12/>

[draft-asian-americans-condemn-coronavirus-based-xenophobia](https://www.suffolkdistrictattorney.com/press-releases/items/2020/3/29/0mcptaq8zn6o8hwutdpey0teo96ur8)  
33 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/3/29/0mcptaq8zn6o8hwutdpey0teo96ur8>

34 Although this injunction was overturned by the 1st Circuit in September 2020, we are confident that we are on the right side of history and will continue to move forward in a way that honors every person in Suffolk County, their families, and basic human and civil rights. We do know that our actions created a safer environment for citizens and non-citizens alike in and around Suffolk County courthouses for over a year. Recent guidance announced by the Biden Administration limiting ICE and CBP operations in or near courthouses is completely consistent with what SCDAO was fighting for two years ago. See: <https://www.nbcnews.com/politics/immigration/biden-admin-will-limit-arrests-migrants-or-near-courthouses-n1265510>

35 See: <https://boston.cbslocal.com/2019/10/01/straight-pride-parade-boston-attorney-handcuffed-susan-church-judge-richard-sinnott-prosecutors>

36 See: <https://www.wcvb.com/article/sjc-sides-with-da-rollins-says-judge-cannot-force-prosecution-of-those-arrested-during-straight-pride-parade/28968259>; <https://www.suffolkdistrictattorney.com/press-releases/items/2019/9/4/district-attorneys-rollins-submits-emergency-petition-to-court-in-protest-arraignment>

37 At the time, many jurisdictions throughout the country were safely decarcerating for this purpose, and a study released later that August confirmed why: facilities that acted quickly saw lower rates of infection. See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/5/1/letter-from-da-rollins-to-governor-baker-urging-action-to-reduce-incarcerated-population-amid-covid-19-crisis>; See: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2769617>

38 See: <https://www.nbcnews.com/news/coronavirus/pressley-rollins-push-baker-to-release-inmates-amid-coronavirus-surge-2227768/>; <https://pressley.house.gov/media/press-releases/rep-pressley-da-rollins-urge-gov-baker-decarcerate-vulnerable-populations>

39 Alongside State Representative Jon Santiago, DA Rollins additionally filed an amicus letter in support of a petition to decarcerate people civilly detained during the pandemic. Our Office also filed two emergency petitions with the Supreme Judicial Court when a Boston Municipal Court judge attempted to require in-person hearings in a criminal courthouse against Governor Baker and the court’s own COVID guidance. See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/5/11/da-rollins-and-rep-santiago-supporting-efforts-to-reduce-incarcerated-population>

40 See: <https://www.nber.org/papers/w28600>

41 Including, but not limited to, those charges currently outlined in the Decline to Prosecute List.

42 See: <https://www.bostonherald.com/2019/04/04/baker-team-slams-da-rachael-rollins-no-prosecute-list-new-memo>; <https://www.nbcnews.com/news/local/rachael-rollins-suffolk-district-attorney-elect-national-police-association-bar-complaint/129098>

[complaint/129098](https://www.nbcnews.com/news/local/rachael-rollins-suffolk-district-attorney-elect-national-police-association-bar-complaint/129098)

43 These findings both preceded DA Rollins’ tenure in Office and continued during the implementation of The Rollins Memo, turning on its head the fear-driven, scaremongering narrative that law enforcement and enabling media outlets have been peddling for decades. See: <https://theappeal.org/boston-globe-accused-of-willie-horton-style-fearmongering>

44 See: <https://www.census.gov/quickfacts/fact/table/suffolkcountymassachusetts/PST045219>

45 Kimble, Cameron, and Ames Grawert. “Between 2007 and 2017, 34 States Reduced Crime and Incarceration in Tandem.” Brennan Center for Justice, 6 Aug. 2019, [www.brennancenter.org/our-work/analysis-opinion/between-2007-and-2017-34-states-reduced-crime-and-incarceration-tandem](http://www.brennancenter.org/our-work/analysis-opinion/between-2007-and-2017-34-states-reduced-crime-and-incarceration-tandem)

46 Mackenzie, Doris Layton, and Douglas B. Weiss. “Other Countries Have Successfully Reduced Incarceration Rates Without Increasing Crime: We Can Do It!” Victims & Offenders, vol. 4, no. 4, 2009, pp. 420–426., doi:10.1080/15564880903260637.

47 Kimble, Cameron, and Ames Grawert. “Between 2007 and 2017, 34 States Reduced Crime and Incarceration in Tandem.” Brennan Center for Justice, 6 Aug. 2019, [www.brennancenter.org/our-work/analysis-opinion/between-2007-and-2017-34-states-reduced-crime-and-incarceration-tandem](http://www.brennancenter.org/our-work/analysis-opinion/between-2007-and-2017-34-states-reduced-crime-and-incarceration-tandem).

48 Though there was a total countywide decrease in crime in consecutive years from 2016 to 2020, both Revere and Winthrop saw crime increases in 2020. See: <https://data.boston.gov/dataset/crime-incident-reports-august-2015-to-date-source-new-system>; <https://masscrime.chs.state.ma.us/public/Browse/browsetables.aspx>

49 See: <https://static1.squarespace.com/static/5086f19ce4b0ad16ff15598d/t/5ff37baa46517e2c74015f47/1609792426841/FARR+12-31-20.pdf>; <https://static1.squarespace.com/static/5086f19ce4b0ad16ff15598d/t/5ff37b7f0e058f15c9d98ef2/1609792383700/Shootings+Weekly+Crime+Overview+2020+Year+End+4.pdf>

50 See: <https://bpdnews.com/news/2020/8/31/crime-statistics-january-1-august-30-2019-vs-2020-thcdm-g3ehb-zl76m-2rwtg-7nyzh-9pbb7-dl6cf-2y76s-rj92c-cf4yg-9pdgx-anyec-5yn54-knafg-tmahl>

51 As COVID has vividly demonstrated, there are external societal factors completely outside the control of the criminal legal system that impact overall crime. Crime statistics tell us very little about why people aren’t reporting 60% of crimes to police, according to the Bureau of Justice Statistics, why victims and witnesses aren’t answering summonses in many cases, or whether or how our new policies are impacting local crime rates.

52 During the same one-year period ending March 25, 2021, the share of nonprosecuted cases increased again, from 77.6% to 86.7%. Source: SCDAO Internal Data. We would like to thank Felix Owusu for his diligence and hard work in preparing this data, and we eagerly await his comprehensive, forthcoming research findings.

53 As in the past, we again state that presumptively declining to prosecute does not mean do nothing. First, the presumption is refutable. Second, it means connecting people in crisis to the

appropriate community-led resources in all possible cases, and prioritizing for prosecution violent, serious cases where people are preying upon others who are in crisis, or where repeat offenders continue to engage in deadly, dangerous, or otherwise harmful behavior. We have invested more resources than ever in programs targeted toward addressing the root cause of criminal conduct, including the creation of a new program with North Suffolk Mental Health Association and the placement of additional personnel to support our specialty courts and other diversion efforts. Once again, we ask our community and law enforcement partners to treat this policy as a living document, and to work closely with us to identify which charges, if any, can be added or removed from the list.

54 In 2018, Suffolk County experienced 57 homicides. In 2019, the number of homicides decreased to 42, which was a 20-year low. In 2020, homicides increased to 61, four more than in 2018. Source: SCDAO Internal Data.

55 For example, if the results of the nonprosecution study showed that nonprosecution increased future crime, we would be having a very different conversation.

56 When mass incarceration was emerging as America's go-to public safety practice in the '80s and '90s, certain categories of crime, and especially violent crime, frequently trended up and down. See: <https://www.cbpp.org/blog/the-causes-and-costs-of-high-incarceration-rates>. During these periods of fluctuation, policymakers, the media, and the general public gave officials in law enforcement, prosecutors' offices, courthouses, jails, and prisons ample time, space, and funding to succeed, despite persistently low clearance rates, low conviction rates, low witness participation rates, and high recidivism rates. As we transition to a public-health driven approach to public safety that will more comprehensively and effectively address the racial disparities and inefficiencies of the former system, we think that the same level of composure and grace should be practiced by those who previously received it.

57 See: <https://boston.cbslocal.com/2019/04/05/thomas-turco-questions-prosecutors-criminal-justice-plan-rachael-rollins>

58 See: <https://thehill.com/homenews/administration/457120-barr-predicts-progressive-prosecutors-will-lead-to-more-crime-more>

59 See: <https://www.bostonglobe.com/opinion/2019/05/28/the-true-role-district-attorney/VWBCgWH-w2rl8mYOomJYpyN/story.html?p1=Article>

60 See: [https://www.aclum.org/sites/default/files/20180319\\_dtp-final.pdf](https://www.aclum.org/sites/default/files/20180319_dtp-final.pdf)

61 See: <https://www.boston.com/news/local-news/2014/10/22/the-charles-stuart-murders-and-the-racist-branding-boston-just-cant-seem-to-shake>

62 See: <https://commonwealthmagazine.org/criminal-justice/30-years-after-stuart-case-city-still-healing>

63 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2019/4/1/district-attorney-rollins-names-discharge-integrity-team-for-fatal-police-shooting>

64 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2019/9/19/trooper-indicted-in-2018-shooting-on-i-93-south>

65 The IRB is built on the foundation of the Suffolk County District Attorney's DNA and Conviction Integrity Program Committees, created in 2002 and 2013, respectively. The IRB is supported by four pillars: the Conviction Integrity Program looks at post-conviction claims of innocence or convictions obtained unethically in violation of a person's Constitutional rights; the Case Integrity Review program performs critical appraisals of sentinel events happening in real time in the grand jury and in trial and appellate courts; the Law Enforcement Automatic Discovery (LEAD) database seeks to enhance the existing so-called Giglio database and provide notice in prosecutions with law enforcement witnesses who have a history of misconduct and, if necessary, limit or exclude their participation in court; and, the Sentencing Integrity Pilot examines whether certain sentences have produced unjust results, specifically for young adults and/or joint venturers that have been convicted of murder.

66 See: <https://www.suffolkdistrictattorney.com/press-releases/items/items/2020/9/26/o7c84damgt0h2ib6s0c-zowjqsdhfh>

67 The IRB has connected with 28 different community organizations, including Families for Justice as Healing and the Charles Hamilton Houston Institute at Harvard University. In addition, it has also partnered with area law schools to discuss its ongoing work by presenting at clinic courses and classes at Boston College Law School, Harvard Law School, Northeastern University School of Law, and Suffolk University Law School. Furthermore, the Chief of the IRB has established substantial working relationships with six of the leading Conviction Integrity Units (CIUs) in the country. These CIUs include the Philadelphia District Attorney's Office, the Cook County (IL) State's Attorney's Office, and the Wayne County (MI) Prosecutor's Office. Chief of the IRB, David Lewis, chaired a continuing legal education program at Massachusetts Continuing Legal Education (MCLE) in January 2020 titled "The Progressive Appellate Prosecutor." District Attorney Rollins was the keynote speaker at the seminar. In February 2021, David Lewis chaired a continuing legal education presentation at MCLE titled "The Progressive Prosecutor," focused on conviction integrity units. The chiefs of the Philadelphia, Wayne County, and Harris County (Dallas) conviction integrity units were also on the panel. We remain committed to educating the public, our community, our entire staff, and our law enforcement partners about this important work.

68 See: <https://www.suffolkdistrictattorney.com/case-inquiry-form>

69 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/12/23/wrongfully-convicted-man-now-free-after-suffolk-district-attorney-assents-to-motion-for-new-trial-in-1991-homicide>; <https://www.suffolkdistrictattorney.com/press-releases/items/foxworth-wrongful-conviction>

70 See: <https://www.suffolkdistrictattorney.com/press-releases/items/king-motion-to-reduce-verdict>

71 See: <https://www.boston.com/news/local-news/2020/11/17/why-sean-ellis-agreed-to-netflix-trial-4>

72 See: <https://www.theguardian.com/tv-and-radio/2020/apr/01/how-to-fix-a-drug-scandal-netflix-erin-lee-carr>

73 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/5/11/da-rachael-rollins-moves-to-vacate-guilty-pleas-of-64-innocent-individuals>; <https://www.suffolkdistrictattorney.com/press-releases/items/2020/11/18/district-attorney-rollins-vacates-more-than-100-dookhan-related-drug-convictions>; <https://www.suffolkdistrictattorney.com/press-releases/items/2021/3/22/district-attorney-rollins-unveils-initiative-to-address-hinton-labs-infamous-legacy-from-tens-of-thousands-of-suffolk-county-drug-cases>

74 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/1/27/statement-of-district-attorney-rachael-rollins-on-osman-bilal>

75 See: <https://www.bostonglobe.com/2020/11/11/metro/boston-will-pay-31-million-man-freed-after-wrongful-conviction>

76 See: <https://theappeal.org/boston-police-clean-sweep-arrests>

77 See: <https://www.suffolkdistrictattorney.com/press-releases/items/2020/6/15/district-attorney-rollins-statement-to-staff-on-race>

78 See: <https://fas.org/sgp/crs/misc/RL34287.pdf>

79 See: <https://www3.bostonglobe.com/metro/2017/12/11/that-was-typo-the-median-net-worth-black-bostonians-really/ze5kxC1jJelx24M3pugFFN/story.html>; <https://www.bostonfed.org/publications/one-time-pubs/color-of-wealth.aspx>

80 See: <https://www.suffolk.edu/news-features/news/2020/07/28/17/03/suffolk-law-housing-study-sparks-calls-for-change>

81 See: <https://www.bostonmagazine.com/news/2020/12/08/boston-segregation>

82 See: <https://www.bostonglobe.com/2021/02/05/business/city-boston-spent-21-billion-contracts-over-five-years-less-than-1-percent-went-black-owned-or-latino-owned-businesses>

83 See: <https://boston.cbslocal.com/2019/07/22/massachusetts-judges-diversity-boston-next/>; <https://www.mass.gov/info-details/superior-court-justices>

84 See: <https://hls.harvard.edu/content/uploads/2020/11/Massachusetts-Racial-Disparity-Report-FINAL.pdf>

85 See: <https://www.suffolkdistrictattorney.com/press-releases/items/voter-protection>

86 See: <https://www.justice.gov/usao-ma/pr/justice-department-alleges-conditions-massachusetts-department-correction-violate>; <https://www.wbur.org/investigations/2020/03/23/county-jail-deaths-sheriffs-watch>

87 Source: Municipal and state CTHRU payroll data.

88 Simple year-over-year percent change comparisons,

however, do not take into account the fact that, since 2010, Suffolk County has had a rapidly declining criminal caseload. For example, 10 nolle pros out of 30 charges disposed one year is a smaller percentage than 10 nolle pros out of 25 charges disposed in a subsequent year. Even though the total number of nolle pros charges stays the same (10), its percentage share of total charges disposed decreases. According to Massachusetts Trial Court data, Suffolk County's criminal caseload declined from around 40,000 cases in 2010 to 25,000 cases in 2019, which is a 38% decrease. To account for this change over time, we also must calculate each declination and diversion category in relation to its share of total charges disposed each year, and then compare these percentages. In both 2017 and 2018, filing a nolle pros constituted 3% of total charges disposed in the eight Boston Municipal Court divisions. In 2019, after our district and municipal court teams implemented the decline to prosecute policy, nolle pros' share of total charges disposed of in the eight Boston Municipal Court divisions increased to 12%, representing a 300% year-over-year percent change. This represents the biggest year-over-year change in BMC nolle pros since SCDAO began recording data. In 2018, the nine declination and diversion categories together constituted 30% of total SCDAO dispositions. In 2019, this number jumped to 44%, a 47% year-over-year percent change.

89 This calculation includes any and all charges on the Decline to Prosecute List, regardless of the nature of accompanying charges. Earlier analysis in the Be Brave section refers to cases in which all charges are on the Decline to Prosecute List.

90 See: <https://motionforjustice.vera.org>

91 See: <https://www.suffolkdistrictattorney.com/in-the-community/community-events-request>

92 See: <https://www.suffolkdistrictattorney.com/press-releases/items/securitas-consent-agreement>

93 Wagner, Peter, and Sawyer, Wendy. "States of Incarceration: The Global Context 2018." Prison Policy Initiative, June 2018. See: [www.prisonpolicy.org/global/2018.html](http://www.prisonpolicy.org/global/2018.html)

94 Source: Boston Police Department 2019 Year-End Statistics.

95 Source: Boston Police Department 2020 Year-End Statistics.

96 See: <https://adaa.org/node/2970>

97 See: <https://johnjayrec.nyc/2020/11/09/av2020/>

98 See: <https://www.governing.com/topics/mgmt/gov-nonprofits.html>

99 See: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5685449>

100 See: <https://www.bostonfed.org/publications/new-england-public-policy-center-policy-report/2019/growing-shortage-affordable-housing-extremely-low-income-massachusetts.aspx>



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