

## Getting Curious with Jonathan Van Ness & DA Rachael Rollins

**JVN** [00:00:00] The following conversation contains a discussion about police brutality and systemic racism. We recorded this episode of "Getting Curious" with Rachael Rollins, the District Attorney of Suffolk County in Massachusetts, in the midst of national protests against police brutality. I want to say to anyone that was protesting, that has used their constitutional rights to come together and to protest, whether that was in real life, or if you've been showing protest in any way that you can effectively show protest, I am with you. The violence that has befallen our black American family members and people of color at the hands of the police has gone on for way too long, and it is something that we have to come together to discuss, and it's something that we have to come together to protest and discuss. But, as Barack Obama said, in his post this week, "We have to protest and we also have to do the politics." And I think that Rachael Rollins is an incredible person to help shed light on what District Attorneys do, what State's Attorneys do, and how we can all be more involved to hold them more accountable. And also, how, by electing progressive District Attorneys, we can actually see change in some of these systems that have been so broken for so long. So, without any further ado, welcome to "Getting Curious," I'm Jonathan Van Ness and every week I sit down for a 40-minute conversation with a brilliant expert to learn all about something that makes me curious. On today's episode, I'm joined by Suffolk County District Attorney Rachael Rollins, where I ask her: How can District Attorneys help fight police brutality? Welcome to "Getting Curious," this is Jonathan Van Ness. On this week's episode. We have District Attorney Rachael Rollins. Welcome to the show. Welcome back to the show, actually.

**RACHAEL ROLLINS** [00:01:50] Thank you so much. I'm honored to be here.

**JVN** [00:01:52] So we were planning on doing a catch up for an Instagram live and then in the events of these last couple weeks, it became eminently clear that we needed to have you back for a proper episode, a proper catch up on "Getting Curious," in the light of George Floyd and several extrajudicial police killings in these last few days. You are the first black woman District Attorney in Suffolk County, ever. I mean, I'm just getting the chills talking to you again. You're one of the most incredible people I've ever gotten to interview. You won an election in November of 2018. You were sworn in in January 2019. And you're the first woman of color elected the D.A. in all of Massachusetts, which is like literally one of the first states. So how is Suffolk County? How has Boston been doing through these last few days? I know the protest has really spread across the country. How is your community doing?

**RACHAEL ROLLINS** [00:02:50] Yeah. I mean, I think you're right, Jonathan. When we look at George Floyd, which happened on Memorial Day. There's a woman, Breonna Taylor, that also was sitting in her home with her boyfriend and the police executed a search warrant at the wrong address, shot and killed her and arrested her boyfriend. When we even look at what happened with Christian Cooper in New York. Right? Who luckily lived through the encounter, but the sort of weaponization of the police, and then, of course, way back in February 23rd, Ahmaud Arbery was murdered. But we didn't know about it until video footage leaked. So I think like most of the rest of the country in the world, we're hurting. Right? And you don't have to be a black person to feel the pain of watching an execution unfold in front of you. There had been protests here in Boston and quite frankly, across the country about this. But we're trying to hold it together and

we are trying to start having incredibly uncomfortable conversations about race and policing that I think we should have been having for decades.

**JVN** [00:04:05] One thing that you came into office on was that you were going to stop, basically subvert or dismiss low level misdemeanor charges.

**RACHAEL ROLLINS** [00:04:13] I did run on not prosecuting in the first instance. Right? Reflectively what we do, or people that are not progressive as D.A.'s is, the answer to everything is jail. No matter whether it's a, you know, selling cigarettes on the side of a street without a license like Eric Garner in New York, who ended up being killed by law enforcement as a result of a civil infraction or whether it's allegedly having a counterfeit bill like we're hearing about George Floyd, which is a misdemeanor at best. And it was a twenty-dollar exchange that this man lost his life for. Those low-level encounters with law enforcement. I said, let's divert them. Let's get people the assistance they need. George Floyd had just lost his job. And whether I don't know enough to speak on whether it was a counterfeit bill or not. But these crimes of poverty, these crimes based on mental health issues and substance use disorder or housing insecurity, I don't want people going to jail with them. In certain communities, the interactions with police there could be deadly, deadly as a result of a low level crime.

**JVN** [00:05:30] So one thing that we've talked about on "Getting Curious" previously is the history of Jim Crow laws and the legacy that slavery leaves behind in the United States. And I think for me, growing up in rural Illinois, one thing I was always kind of made to feel was that like, "Oh, well, if you're from the north, like they didn't have, there wasn't segregation here. There wasn't slavery." But there very much was. The north was completely segregated. There were, you know, segregated restaurants, movie theaters, drinking fountains, schools, all of it, all across the United States. It was not subject to the south. There was literal human hunters to catch slaves in all of, all northern states. And so in those legacies, I see kind of a very clear picture, a direction to kind of some of the inaction of so many white people in not understanding the direct parallels between the legacy of these sl-, of slavery and then segregation, or segregation Jim Crow laws.

**RACHAEL ROLLINS** [00:06:34] So I think what's so great about what, how you started this question is that you understand that Jim Crow is part of all of this story. Right? We are looking at Ahmaud Arbery. We are looking at George Floyd and Tony McDade and others that have been murdered. Right? And killed during encounters with law enforcement. But this dates back to slavery, obviously. And then the Civil War that happened, the Reconstruction era as well as Jim Crow all the way up to the civil rights movement or World War Two. And so for me, I, I want to make sure we start framing things to, you know, in the civil rights movement, moving up to when many people for the first time got a glimpse into what certain communities had been seeing forever. And I would argue that was the Rodney King video back on March 3rd, 1991, where things that certain communities, poor communities and black and brown communities had known for decades. All of a sudden, the rest of the world got to turn their light switch on and look into a situation where four officers, or multiple officers, beat Rodney King for a very long time. Three were acquitted. One was, the jury failed to reach a verdict. And then I think we fast forward to the next time with the O.J. Simpson trial in October of '95, when we saw polar opposite reactions from different communities about that.

So I think when we start injecting conversations like this into my job as the D.A., progressive prosecutors get a bad rap because people say, why are you talking about that? Your job is just to prosecute people. There are different groups of people with lived experiences that are now taking these positions that are now running for office. So that I am incapable, Jonathan, of removing the fact that I am a woman. I am a mother. I am a black person, as well as the District Attorney of Suffolk County. We don't get to, as much as we try at times to compartmentalize who we are. I want to live in a world where I get to come to work every day as a full person. And I think these false narratives that often happen to all progressive D.A.s, irrespective of their race or gender, is we're soft on crime. All hell is gonna break loose if you vote somebody like her in, because she's not going to prosecute anyone. And people will be running roughshod through the streets and essentially that we care more about defendants than we do about victims and survivors. And I can tell you, nothing could be further from the truth. Right? Had Minnesota or Minneapolis had the policies that I have, George Floyd would be alive today because that encounter that the store owner that made the phone call about the, the, the, the questionable note that was passed regarding whether it was a check or a bill, but the counterfeit note, was horrified to learn that George Floyd lost his life as a result of that. That store owner didn't want that. They just wanted if they thought it was a counterfeit bill for that person not to come back.

But what we're seeing, Jonathan, is certain communities deal very differently with law enforcement. Right? When we talk about Christian Cooper, that white woman that made that phone call, she was weaponizing the New York Police Department because she knew if she said, "I have an African American male here, that's threatening me." She knew what the outcome would potentially be. So I think it's a long answer. But just understand. I'm so grateful that you started with Jim Crow because we in the United States, our original sin was racism, or is slavery and racism. And unlike Germany, who has taken a hard look in the mirror and said we made horrific mistakes and we must atone for those mistakes, we haven't done that yet. And I think that's the crux of the issue we're talking about right now.

**JVN** [00:11:03] I really could not agree with you more. So essentially your District Attorney is kind of like your first line of defense from like a police force that's, like, militarizing or committing a lot of police brutality. I mean, because at the end of the day, if a police officer has murdered someone, isn't it the District Attorney who would file charges?

**RACHAEL ROLLINS** [00:11:23] That's exactly right, Jonathan. Across the country you might be called a commonwealth attorney, a state's attorney, the District Attorney. And all of those words mean the same. So, for example, Kamala Harris was a District Attorney in California, one of probably over, over 100, maybe because California's so big, then became the, *the* Attorney General for California. There is one Attorney General for each state, which she's the state law enforcement officer on the state side. And then that is an elected position. And then there's the U.S. Attorney. We have U.S. Attorney Barr in the federal government right now under President Trump. But each state has either one or in some bigger states, multiple United States attorneys. Ours is Andy Lelling in Massachusetts. And you are appointed by, by the president, essentially. The Attorney General of the United States appoints the U.S. Attorney, and each of us have different roles. U.S. Attorney is federal and statewide or for, for the bigger states countywide. State Attorney General is the entire state and has oversight there. Some of them have civil power, Jonathan, meaning we can fine you or stop you from doing stuff as well as criminal power, meaning we can put you in jail in addition to all of that. And then we have the D.A.s that usually are handling the sort of blue collar violent crimes every day. The State Attorney General usually

has some oversight in, like, economic crimes, etcetera. And the federal government does a lot of pharmaceutical, you know, economic crimes or healthcare fraud, terrorism, gang, gun and drug cases. It is cross jurisdictional or across state lines or even international. But that's the way I want your listeners to sort of break this down. And you know where we saw it best, Jonathan, was in the Ahmaud Arbery case. There were three District Attorneys, one that recused herself after four days. Another one that was appointed and did nothing. And then a third that was appointed and did nothing. And finally a fourth. They have jurisdiction. But then Geor-, Georgia Bureau of Investigations, the state level came in. And within 24 to 48 hours, arrested the McMichaels, the father and the son. And-

**JVN** [00:13:56] But the District Attorney never did that.

**RACHAEL ROLLINS** [00:13:57] Never did that.

**JVN** [00:13:58] It took the state.

**RACHAEL ROLLINS** [00:13:59] That's exactly right.

**JVN** [00:14:00] Well, just that is, like, so important for locally, it's like as far as checks and balances. And like, it's like when people say, like, you know, well, what can I do? It's like making sure that your family, like, isn't voting for some racist ass--

**RACHAEL ROLLINS** [00:14:11] Absolutely.

**JVN** [00:14:13] --Problematic District Attorney. And, and that is your first line of defense at the local level. Another thing I wanted to ask about is just when you, when you think about some of the images that have come out, because one thing I wrote, wrote about the protesting is that like the United States was founded on violent protest. I mean, we-

**RACHAEL ROLLINS** [00:14:29] Stonewall.

**JVN** [00:14:29] Violently rebel-.

**RACHAEL ROLLINS** [00:14:31] Yes, exactly.

**JVN** [00:14:34] Well Stonewall, but I'm talking about the Revolutionary War, like we fuckin, we killed, I mean, we were, we literally violently protested to said, we said no, this without, no taxation without representation. I mean, guns ablazing, people. I mean, that's what people laid their lives down for. But at that time, slavery was written into the Constitution. There was never a formal apology for that. When you think about the fact that Wall Street, the White House, so many things were built by the hands of slaves that were never given reparations, that were never paid for time lost and were never paid for lost opportunities. I mean, the list goes on and on for how much, you know, is owed that has never been take, responsibility has ever been taken for and we see that manifesting itself in different ways now. And one of them that really sticks out to me is the way that Donald Trump speaks about the white pr-, the white protesters that were bearing guns at a governor's mansion so that they could you know, they were, they were protesting the lockdowns. It's like, he called those people very good people, and but they're very

upset because of the too strict of coronavirus lockdowns. Then these people that are protesting in Minneapolis are called-

**RACHAEL ROLLINS** [00:15:40] Thugs.

**JVN** [00:14:40] Thugs. Yeah, yeah. And I just think that, you know, I think the point, the underlying point is, is that there is this attempt to demonize violent protest. And I'm not saying that, obviously you don't want to advocate for violence, but there is a, when there has been a suffering that has been not taken responsibility for and there has been continued merciless, no justice given. People get upset. And that is literally what America was founded on. So to demonize one color of people for doing that. And then, and it was very violent because the white people with guns at those mansions were in these police's faces screaming with guns. If the shoe were on the other foot, it just would not have gotten there. So part of the question, where this is all going to, which I'm going to make the point in a second, I swear to God. Is that can a District Attorney or a progressive District Attorney mandate or recommend de-escalation tactics or de-escalation training tactics in its police force if police brutality is, like, a consistent issue and a progressive gets in? I mean, because, like, I was reading this article and part of what Minneapolis does, their literal racism training on in their bureaus in this article I was reading is by watching "Zootopia." They literally did diversity training in the police system by watching "Zootopia," and of the, and on average it's like 900 to 1100 people are killed a year by police officers and less than 8 are ever charged with even less convictions. And in Minnesota's case, specifically, the only police officer who was ever charged with. Yeah. And he killed a white Australian woman. Which none of those are. OK. But the point is, is that there is a, those racist tendencies of our past and the never taking responsibility or acknowledging them. I think manifest themselves in the way that, you know, white and black people are so clearly treated differently by the media, by elected officials. You know.

**RACHAEL ROLLINS** [00:17:42] I think, I mean, you have, you have so, like, wonderfully woven that sort of thread through everything. And it's hypocrisy that I think people get so angry about. Right? Like, the Second Amendment applies to us too. But if you thought that if black men with a license to carry a firearm marched upon a state or federal building only to demand, you know, certain things, they, you know, we know in this day and age they'd probably all be killed, even though they have the same 2nd Amendment right to bear arms that all of their white counterparts do. And it's even when we look at Dylann Roof, the person that murdered all of those people in a church, and hear that, you know, he was gently escorted out by law enforcement and ultimately brought to get some food before they brought him to the police station. It, it's, it's that level of care that, that we are never afforded, no matter the circumstance. So it's, it's heart wrenching at times.

**JVN** [00:18:50] don't you have a relationship with how police exercise their powers as a District Attorney?

**RACHAEL ROLLINS** [00:18:54] Yes. So I specifically as the D.A. in Suffolk County, where the only place, Massachusetts is the only state where we, as the D.A.s, direct and control the investigations into death. From death all the way to sentencing. And so what we have here is we would have handled this very, very differently. But District Attorneys get to speak certainly to law enforcement and encourage better behavior by them, because ultimately we're the ones that have to end up prosecuting and investigating these deaths or these excessive force allegations.

Right? So even though, Jonathan, police departments self regulate, they have internal affairs and then anti-corruption units is what it's called here in Massachusetts, internal affairs is for non criminal behavior. Anti-Corruption is for criminal behavior. But the community doesn't have any faith in that happening. Right? Like, when we look at what happened with George Floyd, it was four officers, one that put his knee to the throat of this man and after begging for his life over a series of minutes and minutes and minutes, squeezed the life out of him while three of his counterparts sat and watched and did nothing. We are going to believe that that same police department is going to investigate whether what they did was right or wrong. People are tired. They don't believe it at all. I don't think they have a lot of faith either in the federal government, even though I'm excited that our U.S. Attorney General deployed people down, the Department of Justice is doing an investigation. But I do think D.A.s have a very loud voice. If they have the spine and the character and the moral compass to say, commissioner or chief, you need sensitivity training. You need de-escalation training. You need to understand mental health issues. People present differently and have different affects based on DSM 5, diagnosed mental health issues or cognitive impairments. We have to be better, Jonathan. It's, it's, it's 2020. We need to be compliant with things. And when we see, Jonathan, that this D.A. in the George Floyd case, when he made a statement and said, and to the folks in the African community, like he doesn't even know the difference between Africans and African-Americans, and this is a race-based crime. Right? Like, we very comfortably know that although that officer wasn't yelling racial slurs or using the N-word while he squeezed the life out of George Floyd, with his hand in his pocket, in the most cavalier of ways, we know that had this been a white person or let's even be honest, Jonathan, a golden retriever. People would have sprinted to the aid of this dog. Right? Or other person. And there at least might have been some fear in the heart or the mind or the soul of this man, this officer, as he executed somebody. And remember, within 8 minutes, for less than 10 minutes, George Floyd was tried, convicted, sentenced and executed by law enforcement. And this is unacceptable and it's unconscionable.

**JVN** [00:22:25] And it happens like 900-1100 times a year. Welcome back to "Getting Curious." This is Jonathan Van Ness. We have District Attorney Rachael Rollins. So yeah. So what, what I had just was, as we were talking about what happened to George Floyd. It's, like, the officer who, as we saw, kneel on his neck until he was killed had several other killings through his career on his record. He had double digit complaints against him, which is obviously horrific, and the culture around how police can kill with impunity, without transparency, without oversight, that is a problem. And the amount considering that, you know, the black people don't, do not make up a majority of this country, but they make up the overwhelming majority of the people killed by police is consistent with our history. And at some point, you know, it really has to change. So one thing that I wanted to ask you as a District Attorney is, is that, you know, we have, we saw that the mayor of Minneapolis and the District Attorney, prior to pressing charges, by that time, the, the, the police union, the, like there was several entities that make it very difficult for police to be held accountable. And I would imagine that you have experienced, you know, a lot of pressure in your position dealing with those balances, you know, dealing with, you know, how to balance the, because it is, I would imagine it would be very terrifying. I would imagine that police see all sorts of really difficult stuff. And I would imagine that it's a thank, a very thankless job. But I would also say that the trauma that police endure and witness is probably not dealt with. And the trainings that they're given are so militarized that they, probably, a lot of police officers get PTSD and don't know how to handle the stuff that they see. And then they, like, internalize it and get really aggressive and get overly aggressive out of fear and probably overreact. And so many innocent people, or even if they're not innocent, are just killed by, you know, armed and dangerous,

government sanctioned, like ticking time bombs because they have PTSD and they have guns and no one holds them accountable.

**RACHAEL ROLLINS** [00:24:41] Right, yeah.

**JVN** [00:24:42] It's like, so is there a way to, to, to insist on more de-escalation? Is there a way for District Attorneys? What have been some of the ways that you've been successful in, you know, getting people to calm down about not necessarily prosecuting nonviolent offenses in low level things and, and kind of acquiescing those Fox News-esque people that are like all hell will break loose and people will run through the street. How have you been able to manage that?

**RACHAEL ROLLINS** [00:25:10] So one of the things and I echo everything you say, you know, about being a police officer, it's an incredibly hard job. Many of us would never sign up, even if you had triple the salary. Right? And you put your life on the line every single day. We're not talking about the overwhelming majority of police officers that are honorable, are culturally competent and go to work and do a tremendously difficult job, all with the hopes of making communities safer and healthier. Right? We're not talking about them. We're talking about the outliers. So I'd like to say I'm not anti-police. I'm anti-police brutality. Right? So, again, I think and also police officers and departments, as I've said earlier, they're the only level of our government where they have literally a license to kill without any oversight. We only get to step in after the fact and look back to see, "Did they get it right?" So I believe, you know, although I'm the daughter of a military veteran, Jonathan, most police departments give veterans super seniority. And they should be because they've served our country and they, you know, I encourage that. But it's really hard to go from a militarized war zone to putting on a uniform where you're encouraged to community police, which is what 21st Century policing is about. And you have PTSD from your service to our country, added to everything you see everyday. So, for example, Jonathan, we had a really unfortunate series of events where in a, you know, let's say 10 or 11 day period, we had 5 or 6 homicides recently, and I was at all of those scenes. Those police detectives, that homicide unit. They see bodies that have been shot or stabbed or beaten or harmed day after day after day. Right? Of course, there's trauma when you experience that. So what we need, Jonathan, is thoughtful leaders, not just as mayors like we see with Mayor Frey or, you know, commissioners who are appointed by the mayors of the police department.

But D.A.s that understand the importance of mental health, not only from the people that might be committing crimes, but of your own staff, of the vicarious trauma that we all experience when we see. And Jonathan, you and I experienced vicarious trauma when we watched the life drained out of George Floyd. Right? How do you unsee those things? When we watch the Ahmaud Arbery tape and see Travis McMichael, you know, under the auspices of this person, may be trespassing. Trespassing in Massachusetts. It's a misdemeanor. Right? If at all. And we've seen those videos of the white couple walking into that, you know, unfinished home and the two small children running in. They're all alive today. But Ahmaud Arbery is dead. Right? And but for them being shamed into action, it wouldn't have happened. So, again, we, we pivot back, Jonathan, to the fact that we need to talk about trauma. We need to make sure we get law enforcement help and training.

Right? Think about the fact that every job you have. My mom's a registered nurse. In order for her to be a nurse every year or so, she has to go back in and recertify so she's not the person from 1805 who's trying to put leeches on you when they say, you know, Jonathan, or Esther, my

mom, they don't use leeches anymore. Right? We have medicine now. How do you update yourself and keep yourself current and relevant and with the police, with the power to kill. We must demand more from them. And so this is your listenership going to your mayors and saying, hey, make sure our police department what have they done with respect to mental health training or de-escalation training that is making sure that you are speaking to your loved ones around the country to, say, the next District Attorney election. Let's ask them some questions, even if it's open-ended. Right? Don't assume anything based on somebody's color. Hey, Ahmaud Arbery. How would you have handled that? Do you think it was handled right or wrong by the first three D.A.s? And the Georgia Bureau of Investigation, like Governor Cuomo said recently to Minneapolis, hey, you should have learned from Eric Garner, right? We should have situations, Jonathan, where, you know, police departments are sending somebody out after a violent crisis or a crisis to say, let's debrief. And what did you do right? What do we need to do differently? But that's the way we need leadership to think.

**JVN** [00:30:10] So, absolutely. So you know how like there's like Governors Associations of America and stuff?

**RACHAEL ROLLINS** [00:30:15] Yep.

**JVN** [00:30:16] Do D.A.s do that? Like, do you ever go to, like, a meeting with like, like D.A.s of the Northeast or like progressive D.A. Caucus?

**RACHAEL ROLLINS** [00:30:24] Yes.

**JVN** [00:30:25] Is there ever anything like where you guys get together with each other?

**RACHAEL ROLLINS** [00:30:27] Yes. So every state has a District Attorneys Association. So in Massachusetts, there's only 11 of us. But I am 1/11th of the Massachusetts District Attorneys Association. There is also something called the National District Attorneys Association, which, of course, all 50 states, and, you know, we all have either a representative or we can go to the NDAA and say, hey, we need your help on these issues. Ironically, I believe the D.A. overseeing the George Floyd matter is the head of diversity for the NDAA, the National District Attorneys Association, the same one that, of course, said, "To the African community, I'll do my very level best," but doesn't know the difference, of course, between Africans and African-Americans. But I digress. So, yes, there are D.A.'s Associations and then there are great groups. Sometimes the Vera Institute, as well as Fair and Just Prosecution and other great organizations that get the progressive D.A.s from around the country. So me, Larry Krasner and Philadelphia, Kim Foxx in Chicago, Marilyn Mosby in Baltimore, Sarah George up in Vermont. You know, we have, we, we, we call ourselves the Justice League, but like, we go together several times a year to brainstorm on how we can do things better.

Recently, Jonathan, our vote, almost a year ago, I went on a trip with them to Portugal and to Germany to see how Portugal is handling their opioid crisis and how Germany imprisons people. They have what's called open prisons. And in Germany, in order to be a corrections officer, you have to go to school for two years because they recognize how important it is to rehabilitate people when they have committed crimes or are experiencing a crisis in their life that results in some involvement with the criminal legal system. Whereas in America, you know, unfortunately, in some circumstances there aren't those requirements for corrections officers here. Right? And

it's just housing prisoners as opposed to trying to correct and rehabilitate and utilize the time we have with individuals while they're captivated. We have them captive, literally. So, yes, there are groups of us and we try to talk as frequently as possible. And I also like speaking to the D.A.s that I don't necessarily agree with their policies. I do think we have to start reaching our hands out and getting allies in unlikely places.

**JVN** [00:33:18] So one thing that I just, you know, part of why I was asking you about, if you if you talked to other people and one thing that I'd written down earlier, 'cause I'm trying to do this thing where I don't interrupt as much, but it's, I wrote down "corruption" and it because it's like, you know, no other agency really self, I feel like doesn't really self do the thing. You know, I mean, I feel like there's checks and balances. There's, you know, some requirement of transparency, at least there used to be. You know, it does seem like we've given this extreme carte blanche to law enforcement. I know my whole life I've been taught like, you know, we always trust the police. You always it's like, you know. So, but, I just also wrote down. It's like, what is the corruption model that exists? Because one thing we talked about last time was private prisons. And I know that, that, that's because, it's like, there's always these scandals where you find out that some judge, you know, like, owns stock in a private prison. And his second cousin was some police officer that, you know.

**RACHAEL ROLLINS** [00:34:17] Yeah.

**JVN** [00:34:17] So.

**RACHAEL ROLLINS** [00:34:18] Totally. So it's, it's completely absurd when we allow people to self regulate. Right? Like, you've seen that I have three children that have run thousands of times in and out of our, in and out of our interview. My 7-year-old can't self regulate. And we would never allow, for example, you know, a, a Pfizer, right, to not have any regulatory oversight, because I don't know what they'd be doing right? They'd be testing-

**JVN** [00:34:44] And even with oversight look what they do sometimes.

**RACHAEL ROLLINS** [00:34:46] Well, right. Exactly. And so it's the same thing with prisons. Remember, prisons are many law enforcement entities, but just in complete private. Right? At the very least, you know, we haven't talked about it. But the only reason we know about Ahmaud Arbery and the only reason we know about George Floyd is because there's a video. Right? We would never have known about Ahmaud Arbery unless that video was leaked. And the Glynn County Police Department actually filed a complaint with the Georgia Bureau of Investigations, not about, will you help us do this investigation? It's: look into who leaked that video. Right? Because they're upset that the nation and the world is now watching everything that they're doing in disgust. So I think with prisons, what's most disturbing about them is we don't get to see what they're doing. At least this officer who cavalierly, you know, drained the life out of George Floyd. Thank God there were people there videotaping that.

We can at least videotape our police officers, but we can't videotape corrections officers because we don't have access to prisons. And the very people that might be complaining about their behavior have already been discredited by the very nature of where they are. Right? They are criminals because they have been either accused of a crime and arrested if they are pretrial detainees or they have been convicted or pled and sentenced and now they are incarcerated. So

when they say, "Hey, officer Jonathan keeps beating me up or keeps verbally harassing me or has sexually assaulted me or is, you know, disparaging me about my orientation of any type," nobody believes them because they're already a criminal. So we have to speak out loud about this, Jonathan, and self-regulation, you are right. Like, when officers discharged their weapons. Could you imagine if the Minnesota Police Department said out loud, and this is what would happen, we're going to investigate this police officer. We're going to make sure, community, that we look into this and we'll get back to. You already have four discredited officers that either watched a murder or committed a murder. And now you think we're gonna believe you to look into this? No. Like, people are exhausted.

So what I did, Jonathan, which I'm proud of: when we have an officer involved shooting in Suffolk County, it comes directly to me, not my staff of 350 people. Me, the District Attorney, and I have created the first in the nation discharge integrity team. It's an exterior, exterior group of people, a retired judge, a member of law enforcement, a criminal defense lawyer and a member of the community all beyond reproach, exceptional qualifications, but they, with me, direct the investigation into it. Into the officer involved shooting. And then ultimately I make the decision as to whether it's justified and reasonable or whether we're going to prosecute and charge the officer. And I have made two determinations since taking office. One is that one was justified. And we met with the family and we met with the community. But the other one, we indicted a police officer for discharging his weapon twice and striking somebody. And so I'm proud of that record, because it's virtually unheard of to have District Attorneys prosecuting police who every day we go into court together. And, you know, prosecute individuals that we believe have committed crimes. So when the police commits a crime, it's really hard for the community to look at the D.A. and say, wait a minute, are you bias, too? That's why we removed it and put it outside, and as an in, new comer. Right? I've only had my job for 17 months. I've never worked in this D.A.'s office. I don't have the same relationship with law enforcement. I don't have decades long of interactions and friendships with these people. I get to look with clear eyes and the help of this external group to make decisions.

**JVN** [00:39:15] Welcome back to "Getting Curious." This is Jonathan Van Ness. So one thing that makes Massachusetts different than other states is that you, well actually just in cases of murder. Right? You go from an investigation all the way to trial. Correct?

**RACHAEL ROLLINS** [00:39:29] Yeah. Massachusetts I direct and control, all 11 D.A.s direct and control from death to sentencing. Everyone else in the United States of America. That's a D.A. or a state's attorney or a Commonwealth attorney, depending on what they're called in their jurisdiction. They get involved post arrest. So the police get to make the arresting decision everywhere else. But in Massachusetts, if I rob a bank and shoot and kill a security guard, the police could charge me with the bank robbery without calling the D.A. But they could not charge me with the murder, without the D.A.'s office approving that murder charge. That's why we are different in Massachusetts than any other state in the United States, because it's death to sentencing as opposed to we jump in post arrest all the way up to sentencing. That's what all of my counterparts deal with.

**JVN** [00:40:22] So, if a police officer arrests someone for shoplifting like a, you know, any, anything, whatever, they arrest someone for anything. They also do the investigation. Right? And then do they give that investigation, like to the D.A. and then the D.A. takes it to trial and would, like, fill out the investigation sort of things?

**RACHAEL ROLLINS** [00:40:40] This is wonderful.

**JVN** [00:40:41] If the D.A., if the D.A. decided to press charges, which is the other big deal, because the D.A. can also just decide, like not, just not going to press that charge, period.

**RACHAEL ROLLINS** [00:40:50] Right, so-.

**JVN** [00:40:51] But if they decide to do it, they would fill out the case.

**RACHAEL ROLLINS** [00:40:53] What's so fascinating and this goes back to, to pr-, progressive prosecutors. So when we see all these D.A.s in the Ahmaud Arbery case who use their prosecutorial discretion not to charge a police officer. Right? And said, no, we're not going to do that. They're heralded by, like, the Trumps of the world and the conservatives. But when I as a newly elected 82 percent of the people in Suffolk County agree with what I stand for, say, you know what, these low level nonviolent crimes in the first instance were not going to prosecute. We're going to try to get them the help they need in the societal, because of societal failures. I'm labeled some alien that's going to ruin the world. Right? But those are the same things. Right? And mine don't involve murder and mine don't involve militarizing law enforcement and essentially giving them carte blanche to kill without any oversight or any fear of retribution. Because when we talk about race and we talk about policing, I know so many people, Jonathan, in my own family that are white. You know, I'm the wonderful collaboration of a woman from Barbados and a man whose family is from Mayo, Ireland, who say, "I never had a slave. You know, I've never enslaved anyone. Why are you mad at me for?" We have to, like you said, start these conversations and have really important dialogues about where all of this started from.

**JVN** [00:42:24] Yeah, and then and I used to feel like I used to take it more personally when I was younger, it kind of like, you know, because I think that's part of also people's kn-, especially white people's knee jerk reaction to it. It's like, well, no one likes feeling like shit that they were involved in super fuckin systematic oppression for the last 200 years. But, like, once you own that and then you can get on the other side of it, you're like, oh, yeah, duh. But the other thing I wanted to ask, because obviously instituting these sorts of policies of having, like, an outside internal investigation on like a police shooting or transparency on a police department, it's not just knowing about your D.A. It's also Congress and your local state Senate, your local state Congress, like your federal Congress, your federal senators, because just even today, Ilhan Omar and Ayann Pressley, Ayanna Pressley rather, sorry, just introduced that gorgeous legislation that would create some oversight that has never really happened before. I just was interviewing this incredible author who I love, Celeste Watkins Hayes. And she was saying, "You know really when we're electing a president. You're not just electing the president. You're essentially electing a crisis manager." And, and, you know, is Biden my favorite candidate? Well, no. From the Democratic primary, well no, you know, and in fact, he wasn't. But that is the person who absolutely has to manage the next four years.

And, and we cannot afford to have Donald Trump managing. I mean, for our, for black people, for minorities, for LGBTQ people, for disabled people, we can't afford it. I mean, I really I was literally thinking tale's like I mean, not only could we lose marriage equality, I feel like this fucking president, along with some of, with some of his cohorts, would try to like say, you know what, we're gonna make the Civil Rights Act of 1964 up to states to enforce. I mean, he just

sanctioned. He just, we arrested a black reporter on air last night. He sanctioned the killing of black people on Twitter at, you know, 9:00, whatever time that was. So it's, it's not just D.A.s. It's a multifaceted thing that would need to happen in order for us to replicate the transparency and accountability that has been able to happen in Massachusetts, is there something that Massachusetts does that is also different and far, as far as like not reaching for your gun first?

**RACHAEL ROLLINS** [00:44:44] So the police are there to protect and serve. That is what their job is and to administer aid if necessary. I think the beautiful legislation you were talking about and by the way, Ayanna Pressley is my congresswoman here. So we are super proud of the work that she did. But that's a resolution sort of condemning all acts of police brutality, racial profiling, use of excessive force or militarizing of police. So I think, you know, and you mentioning Omar Jimenez, who was arrested on television, like we just see, Jonathan, yes. Yes, we all have the right to exist. But I do think, you know, what's troubling is we've seen encounters with law enforcement where, we spoke about Dylann Roof or we see about officers pleading with people that they relate to. Right? Or they, you know, don't look at as fearful. And racial profiling is such an important point that I want to make sure we just spend a moment on, even though now we talk about police saying we don't racially profile. If you ask police officers and they're honest with you, racially profiling was a very routinely used mechanism by which law enforcement encountered certain communities. Like they were taught to racially profile. And what we, it goes back to my point about training. Right? And when, you know, I think we have to be far better on making sure we're training people. And when we look, you right, it's, it's all types of levels. Right?

We're super proud of Massachusetts, where we have an Ayanna Pressley as our U.S. congresswoman. We also have state representatives that come from different communities and have different backgrounds, as well as the District Attorney who's new. We have an appointed police commissioner, first black police commissioner in the history of Boston Police Department, the oldest police department in the nation. We have a black sheriff. We have, you know, members of the LGBTQ community on our Boston city council. But we have to start having voices, Jonathan, in the conversation that aren't usually heard, even though they're out there. So when we talk about, you know, the, the overwhelming number of trans people that are killed that are black trans women. Right? And we don't say their names. I think, again, pivoting back to elections, who you put in leadership matters, because now we need advocate leaders. We need activist leaders. We need people that aren't going to cower away and be silent in crisis. And you said this. I mean, we, when we think about who our president is going to be, our world is just unfortunately sort of crisis after crisis after crisis. And when we have somebody who is, you know, has, has just utilized social media in a way that we've never seen before coming from the White House, but also just enabling the militarization and hatred and violence from law enforcement in certain sectors of our community. It's deeply troubling.

**JVN** [00:48:14] So when the police officer who killed Eric Garner was finally fired and then the NYPD said, OK, fine, we're not going to enforce as many crimes. Like if you're not, if you're gonna do that one of ours, like we're not going to police as much. And what ended up happening after that is that they realized they basically did like a case study for like kind of progressive people because the violent crime didn't go up, even though they weren't policing as much. And which I think, you know, is interesting. And also, you know, you've got to remember that when all these crimes are committed or when all these crimes are charged, like there is a machine that it feeds, you know, and court system and fees, and in certain parts of the country

that does feed into a corruption system in prisons that we've seen that, you know, that we've kind of talked about, which is, which is a really big problem. What are some of the benefits of your policy has been? How have you seen lives improve? I mean, we talked about in this one episode, I think after we spoke to you about, you know, child or family separation didn't just happen at the border. We've been separating American children from their parents by means of mass incarceration, you know, for decades and decades and decades, especially black and brown children. So because you're not prosecuting some of these things, it's like I, I would assume that it's really made life better and not at all any more dangerous.

**RACHAEL ROLLINS** [00:49:29] Yeah. I mean, and to your point with Officer Daniel Pantaleo, who's the one who ultimately killed Eric Garner, there was, there were years that went by before he was arrested. So I want to make sure we uplift when people do well. The mayor and the mayor, Frey, in Minne-, Minneapolis called for the immediate termination of these four officers, not just the one that squeezed the life out of this man as he begged for his life, but the three that stood by and allowed it to happen. So, you know, I think we have to make sure we say that positive thing. But the benefits of my policies, I believe, are people finally are starting to actually believe in the system again. Right? And in the fact that if I told you, Jonathan, how many people came up to me as I was shopping at Target or food shopping with my kids and said, "I have never voted for a District Attorney before and I don't necessarily agree with everything you do. But I so appreciate your authenticity and the fact that you are being who you said you would be when you ran for office." Right? Part of what I'm proud of is I didn't remain silent on things and then become this progressive, you know, how they would call "radical" person. No, I spoke out loud and said when I become D.A., I will create a discharge integrity team. When I become D.A. these fifteen types of crimes, in the first instance, we will not be sending them to jail. We'll be looking at all the systemic failures that got them there, because the overwhelming number of people that commit those low level nonviolent crimes, Jonathan, are either in a mental health crisis, have a substance use disorder, or have food or housing insecurity.

And now adding with COVID, right? We look at the disparities in certain communities about black and Latin X individuals that are dying at significantly higher proportions of who they make up as a total percentage of the overall population. We look at the fact that when we think about, you know, evictions and foreclosures, those are poor people. Right? Those are poor people that are just dying or trying to make ends meet. And then we are all homeschooling our children and the many essential workers that, you know, the rest of the world is finally recognizing what we knew all along, that our transit workers, the people that work in hospitals, our super-, supermarket employees, food service employees and meat packing individuals. They are the ones that are keeping us all alive and sane right now and fed in this global pandemic. But they don't have a living wage or hazard pay. Right? We have to make sure that we speak about things where they're all interconnected and that's what I, I feel is my most important role as D.A. is educating people about the system, the intersectionality of all of these, you know, our comorbidity factors based on environmental racism, Jonathan, when you think about your rural, beautiful, I hope, area you grew up in, where their words green space and clean air.

When you're in an urban community, you know, we look at Chelsea, Massachusetts, for example, which is the number one place in Massachusetts and one of the highest in the United States of COVID-19 positives and deaths. 67% LatinX community. Huge immigrant community. Vibrant, wonderful place that is part of Suffolk County. But they have an airport that flies right over it, Logan Airport. They have the Tobin Bridge that goes directly through Chelsea. And they have

New England's largest food distribution center. So there are 18 wheelers driving in everyday in and out of Chelsea. And even though that seems like all that's great, they have access to, you know, transportation and food. The toxins that come with those 18 wheeler trucks and airplanes flying over result in COPD and asthma rates being exorbitantly high. So, Jonathan, it is all connected. I feel like my role is so important in trying to say that in a concise way so I can support these positions I have about no, I'm not worried about a trespass or somebody using a fake 20 dollar bill. I'm more concerned in solving the unsolved homicides and looking at the uptick in non-fatal shootings. And even more so, Jonathan, look at what happened to George Floyd. A low level, non serious crime of a 20 dollar exchange that might have been counterfeit or fraudulent resulted in a man losing his life. And we don't get to say sorry for that. Sorry is not good enough any longer. It never should have been. So we have to do better.

**JVN** [00:54:36] District Attorney Rachael Rollins, I thank you so much for your time and so much for your service and your work and everything that you do and have done. And I'm really excited that you have maybe a few more months before you have to start re-campaigning again. But I just can't wait to see what you continue to do for your constituents and in your district. And I just can't wait to see what the future has in store for you.

**RACHAEL ROLLINS** [00:54:58] Thank you, my dear. I can't wait to talk to you again.

**JVN** [00:55:02] You've been listening to Getting Curious with me, Jonathan Van Ness. My guest this week was Suffolk County District Attorney Rachael Rollins. You'll find links to her work in the episode description of whatever you're listening to the show on. Our theme music is "Freak" by Quiñ - thank you so much to her for letting us use it. If you enjoyed our show, introduce a friend - show them how to subscribe. Follow us on Instagram & Twitter @CuriousWithJVN. Our socials are run and curated by Emily Bossak. Getting Curious is produced by me, Erica Getto, Emily Bossak, Rae Ellis, Chelsea Jacobson, and Colin Anderson.