



## AN OPEN LETTER

Suffolk County District Attorney's Office  
One Bullfinch Plaza  
Boston, MA 02114

Dear District Attorney Rollins:

It was a historic day in Suffolk County in 2018 as we huddled late into the night, a group of formerly incarcerated women who had never campaigned for anyone before, let alone a prosecutor, to watch the results of your win as the first African American woman District Attorney. Personally, it was a hugely emotional moment to witness your landslide victory and later watch as you were sworn in by our Northeastern University School of Law mentor, the first black justice on the state's Supreme Judicial Court, Geraldine Hines.

People living within the most directly affected neighborhoods across Suffolk County, many themselves entangled in the criminal legal system, became civically engaged for the first time on behalf of your campaign. Your run for the seat of District Attorney sparked hope in our community of Roxbury, including the most incarcerated corridor within the Commonwealth, spanning from Nubian Square to Franklin Hill and Franklin Field Housing Developments. We had renewed hope that long sought-after justice would come after years of erosion of our constitutional rights, the requirement of probable cause and to be free from unreasonable search and seizure. The lie of a war on drugs turned decades-long assaults waged in our neighborhoods through constant police presence, arrests, prosecutions and the use of incarceration as responses to society's struggles with increasing employment and housing scarcity, poverty, mental illness and addiction.

Although these responses continue unabated in Suffolk County today, and we had no illusion that one District Attorney could provide all of the solutions, we continue to hold on to a sense of hope. As an African American woman from a family residing in Roxbury for now five generations, and a former attorney, I will continue to support you in the office of Suffolk County District Attorney. I understand the complexities and ongoing challenges of bringing change to the prosecutor's office and the assaults and the unprecedented show of disrespect hurled at you by powerbrokers including Governor Baker, law enforcement, and white male district attorneys from other counties. Transparently racist attacks on you and our communities were met by a chorus of many, including myself, that came to your defense and regarding the true purpose of the role of prosecutors.<sup>1</sup>

Change on behalf of marginalized people in Massachusetts has taken considerable time. You ran on a bold platform and it will take time for Massachusetts to begin to shift away from the default of police,

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<sup>1</sup> <https://www.bostonglobe.com/opinion/letters/2019/05/31/chorus-objection-comments-crime/F6SiPmxdjMNA1FWmq8aEP/story.html>



*Ending Incarceration of Women and Girls*

prosecution and prisons. We know it is possible as few contacts with law enforcement and investment in treatment and non-carceral practices are the norm in majority white and wealthier communities.

As directly affected people we also know what investments are needed on behalf of our neighborhoods. At Families for Justice as Healing, an organization led by formerly incarcerated women, we are doing our part to organize ourselves to reimagine our communities by engaging in community-led practices such as Participatory Defense and Transformative Justice. We are designing ways to address interpersonal harm in our communities without the use of police and the courts. We are organizing our way out of incarceration while stopping the flow of girls and women, boys and men, into jails and prisons.

We're grateful that the Conviction Integrity Review Bureau that you created has been responsive to community members when they've reached out with grave concerns about their loved ones who were convicted based on racial bias and prosecutorial misconduct. We're hopeful that your office will continue to expedite the review of cases. We also hope your office will refrain from opposing motions to stay sentences so that elders who have done decades already can be safely released pending further court proceedings. I know the Suffolk County District Attorney's office can do more, especially now when there is an urgent need to release our community members during the pandemic of Covid-19.

Continuing to incarcerate people is not the answer. I know this personally as in addition to the privilege to practice law as a former defense attorney representing countless people from my community of Roxbury and throughout the Commonwealth, unlike yourself and our fellow Northeastern University School of Law graduates, I have also had the experience of incarceration.

I lived in a prison for two years. Being an attorney and an incarcerated woman were both just two of my many life experiences. Neither defines in the totality who I am. The experience of incarceration has provided me with an insight that no person charged with running systems of corrections or law enforcement has. Working within the system is no comparison to being incarcerated in the system. The combination provides me with an unparalleled expertise and awareness of the ineffectiveness and inadequacies of our current system.

I assure you we have embarked upon a humanly tragic and failed system of punishment that does nothing to contribute to holding people accountable or ending violence or harm. Accountability has nothing to do with incarceration, and incarceration has nothing to do with public safety. It has everything to do with racism and furthering harms caused by capitalism, heteropatriarchy, and white supremacy. It is a system of laws, yet it is not just. Nor is it just to continue to incarcerate people in county jails and state prisons during this life or death pandemic.

As a resident of Roxbury, wife, mother and daughter, former criminal defense attorney, formerly incarcerated woman, founder of the Roxbury-based Families for Justice as Healing, and Executive Director of The National Council for Incarcerated and Formerly Incarcerated Women and Girls, I am



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writing to you on behalf of our members who are incarcerated women, formerly incarcerated women, women with incarcerated loved ones and our families from the most incarcerated communities in the Commonwealth - communities you were elected to represent. Community members are deeply concerned for our loved ones –your constituents –in pre-trial detention at Nashua Street Jail, in pre-trial detention and serving sentences at Suffolk County House of Correction, and our loved ones serving sentences at every other jail and prison in Massachusetts.

You said in a statement released March 31, *“People do not stop being human the day they are sentenced. Although some have made terrible choices or engaged in reprehensible behavior, the sentence they received for their crime did not include contracting COVID-19 and death. And for those pre-trial detainees, the situation is even more dire. Those individuals have yet to be found guilty of their alleged crime.”* I agree with you and hearing from our people about the conditions inside jails and prisons right now, I have every reason to be afraid for our incarcerated community members and loved ones’ lives. Our communities do not stop at the prison gates.

The recent Massachusetts Supreme Judicial Court decision was not a victory for our community. Our team immediately received a flood of calls from family members asking how the ruling would affect their loved ones. Almost no one from our neighborhoods is eligible for the limited pre-trial relief ordered by the SJC. We’re deeply concerned, like you are, that the initial decision will actually exacerbate racial disparities in jails and prisons due to existing racial bias in charging, bail setting, and sentencing.

On March 10 Governor Baker declared a state of emergency and by March 13, the World Health Organization defined the outbreak of COVID-19 as a global pandemic. As of April 7, Suffolk County has the fifth highest number of coronavirus cases per 1,000 people in the entire country<sup>2</sup>. According to the most recent weekly county sheet available to the public, Nashua Street Jail is at 105% capacity<sup>3</sup>. Not enough people have been released in Suffolk County or any other county. Not enough people have been released from prisons anywhere in Massachusetts. Case by case review is too slow and people are going to die waiting.

Mothers, fathers, siblings, spouses, and children of people in Nashua Street, South Bay, and DOC prisons continue to fight for their loved ones’ freedom and wellbeing despite the lack of coordinated action on the part of system stakeholders. Community members show up every single week, even online during this State of Emergency, to support and strategize together through our Participatory Defense program. These families include the families of Mr. William Utley and Mr. Jyarie Shoulders. These are two cases among many that need your attention because how our community members are being treated doesn’t match your mission for the Suffolk County District Attorney’s office.

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<sup>2</sup> <https://www.bostonglobe.com/2020/04/07/nation/us-coronavirus-cases-are-increasing-outside-ny-nj-here-are-top-10/>

<sup>3</sup> <https://www.mass.gov/doc/weekly-inmate-count-3302020/download>



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Mr. William Utley was recently released from Nashua Street jail to home confinement, a GPS monitor, and a SCRAM device, in order to protect him from the heightened risk of death from COVID-19. Mr. Utley has been diagnosed with chronic myeloid leukemia and is undergoing chemotherapy. A Superior Court Judge agreed that William is the definition of immunocompromised and being incarcerated at Nashua Street Jail during a pandemic could easily kill him.

Despite the strict conditions of release, and William's strong family support, your office not only opposed his release in Superior Court, but then filed a 211/3 petition to the single Justice of the Supreme Judicial Court.

We are counting on you to focus on decarceration to save people's lives, not petitioning to return a sick man to jail who has not been convicted or sentenced. In your Press Release publicizing the petition you stated, *"We will fight to have him returned to custody so our community remains safe."* But incarceration doesn't keep people or the community safe, especially not during a pandemic. This is exactly the moment to hold that line, now that the harms of incarceration have been laid bare.

We are worried about the precedent it will set in Massachusetts if the court sends a person with cancer back to jail, particularly while litigation to offer people relief is ongoing. The community we represent is fully behind releasing as many people as possible as soon as possible. Most-impacted women have been leading daily actions to demand release – including making calls and sending emails to your office. You stated: *"no one was sentenced to die of COVID-19."* We urge you to withdraw the 211/3 immediately and instead focus your office's efforts on who needs to be released immediately.

Mr. Jyarie Shoulders has been in Nashua Street Jail for twenty months. Jyarie's is an example of cases involving guns that plague so many of our young, African American boys and men in our community. Years of failed policies and sentencing guidelines by prosecutorial units using a one size fits all approach to interpersonal harm has done nothing to stop the violence among these young men as evidenced in the alarming number of eight Black men killed in my community since January 2020. We are no longer willing to allow the failure of this system to continue to churn out more failed charging and sentencing policies to address this other epidemic. As a community deeply engaged in the work of transforming harm, we have better solutions on behalf of our young people, and those solutions do not include lengthy, ineffective prison sentences that have yet to get to the root causes of the violence.

Every day Jyarie spends in Nashua Street is more and more dangerous to his health. He has no significant incident prior to this record and zero disciplinary issues since being incarcerated for almost two years awaiting trial at Nashua Street. Assistant District Attorney Feigenbaum has opposed any significant reduction in bail. Jyarie has a deep and broad network of support. He can be released immediately to live with his family who will, along with his community supporters, ensure his return to court when in-person hearings resume. He is absolutely not a flight risk. He is not being held without bail on dangerousness. He is a young man dealing with a case that has dragged on for far too long;



*Ending Incarceration of Women and Girls*

twenty months exceeds the length of most sentences in county jail. Jyarie needs to be free to properly defend himself against the charges of aggravated assault, assault with attempt to murder, and possession of a firearm. As a community we refuse to be shut out of advocacy for those with even more serious charges, as all people pre-trial deserve the right to be innocent until proven guilty, fight their cases from within their communities, where we can also include work on root causes and ending further harm. Holding Jyarie in a jail pretrial is not accomplishing any of that. We are not afraid of our young men and we want a different, community-led solution. We are asking you to agree to Jayarie's release on recognizance.

We also we ask you to please use your power and authority to protect families like ours in Suffolk County by ensuring your staff:

- Decline to prosecute all cases on your list of fifteen charges
- Stop requesting bail
- Support motions to reduce bail to personal recognizance
- Support motions that would result in release for people who are older than 50, pregnant people, parents, and people with health conditions

I have made several requests to have an opportunity to meet with you and share the on-going work being done by the most directly affected women and girls to redefine what *safety* means to us and how we can address harm and heal from harm in Suffolk County. My request is even more urgent now. I hope you will meet with us (online if necessary) to hear directly from Families for Justice as Healing members: mothers who have been incarcerated and separated from their children, mothers whose children have been prosecuted and incarcerated in Suffolk County, mothers who have lost daughters and sons and are survivors of homicide victims, women who are survivors of sexual and domestic violence.

We hope, as your constituents who still stand with you through these difficult and uncertain times, that you will agree to meet with us about what different looks like and how we can get there. In the meanwhile, please respond to our above-mentioned requests in the affirmative and as expeditiously as possible. If my expertise is in anyway helpful, I am available to advise on how to navigate making these decisions, as it is of a time when formerly incarcerated experts should be called upon.

Sincerely,

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Andrea James  
Resident of Suffolk County  
Founder, Families for Justice as Healing  
Executive Director, The National Council for Incarcerated and Formerly Incarcerated Women and Girls