

## NEWS

# DA forum sheds light on racial disparity, incarceration issues

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More than 100 people participated in a Wednesday webinar that explored the role and responsibilities of district attorneys, focusing primarily on racial disparity and incarceration issues.

“District attorneys can make life-changing decisions for thousands of people across the state, but many people are not familiar with the full scope of their role or simply that they are an elected position,” Olivia Santoro, webinar presenter and community outreach strategist at the American Civil Liberties Union of Massachusetts, said at the start of the event.

“It's really important for all of you to understand what they (district attorneys) do and making this information transparent and accessible was really our goal.”

The webinar, “What a Difference a DA Makes,” was designed to simultaneously “encourage community dialog and discussion,” she said, and educate voters on how district attorneys influence legislative, executive and local branches of government.

The event was organized by Cape Cod Coalition for Safe Communities, League of Women Voters for the Cape Cod and Martha’s Vineyard chapters; The Martin Luther King Jr. Action Team; and the National Association for the Advancement of Colored People Cape Cod and Martha’s Vineyard chapters.

It began with a series of live poll questions for participants, such as “What percentage of DA races went uncontested in the last 20 years” across Massachusetts. Although most attendees believed that roughly 92% of races went uncontested, the correct answer of 70% was posted to the screen, followed by a flurry of reactions in the chat section of the webinar.

“That’s really an astounding number of district attorney races,” Santoro said. “When these races go uncontested that often means that we’re not getting any public dialogue about what

kind of policies the DA candidates support, and that can contribute to a lack of transparency."

Santoro brought that percentage closer to home, noting that current Cape and Islands District Attorney Michael O’Keefe – who is not running for reelection in 2022 – had “just one primary challenger in the last 20 years.”

In the Cape and Islands district, two candidates have so far announced their candidacy for district attorney: Democrat Robert Galibois and Republican John “Jack” Carey.

## **The hot-button topics**

Following the live poll, Whitney Taylor, political director for the American Civil Liberties Massachusetts, reviewed district attorney responsibilities, including charging decisions, bail requests, leveraging guilty pleas, civil asset forfeiture, police accountability, data collection, sentencing recommendations, immigration and appeals.

Because police accountability is a “hot button topic,” she said, Taylor explained that although they work independently, the district attorney is the top law enforcement official in the district and works closely with police departments and county sheriff’s offices to respond to crimes.

“When we have a bad police officer, who's going to charge them? Who decides whether or not to go after them? It's the district attorney,” Taylor said. “That's where we're seeing a lot of problems because your police and district attorneys work very close together. That's not a very good check and balance of the system. The DAs don't want to upset the police and the police don't want to upset the DA.”

Taylor shared research data conducted by the Prison Policy Initiative, a research and advocacy group located in Northampton, that showed Massachusetts has an incarceration rate of 275 people per 100,000, compared to 675 people per 100,000 for the U.S. as a whole. The American criminal justice system holds almost 2.3 million people in 1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 3,134 local jails, 218 immigration detention facilities and 80 Indian Country jails.

Although Massachusetts looks moderate compared to the national statistic, Taylor pointed out that Great Britain has an incarceration rate of 129 people per 100,000.

In addition, the report showed 74% of people who have been sentenced have a prior conviction; 40% of people in jail have prior sentences within the houses of correction; and 1,300 people per 100,000 in Massachusetts are under the supervision of the criminal legal system. Taylor said the numbers convey “the gravity and the depth of the type of incarceration” that occurs in Massachusetts.

“If we don’t lean in with different types of responses, and we continue to put people in handcuffs and put them behind bars, we never get to the root issues — never deal with what’s actually going on,” she said. “We’re going to continue to see these cycles of people being incarcerated and not being productive members of their community.”

Viewers were asked to post their top concerns related to the role of district attorneys, and the subjects of racial disparities on mandatory minimums, bail, continuance without a finding, and diversions within the criminal justice system dominated submissions.

According to Taylor, Gov. Charlie Baker’s administration has historically “refused to share any race data” on incarceration rates with any organizations, including The Council of State Governments, a national nonpartisan organization that took an in-depth look at the state’s criminal legal system in 2015.

“The entire report came out in 2017 about what we should do in our criminal legal system and Massachusetts did not talk about race. And that is a crime,” she said. “That is a huge problem and we here at the ACLU understand how frustrating it must be for the general voter.”

## **Racial disparities in focus**

Because data has largely been unavailable, Taylor said the American Civil Liberties Union Massachusetts pulled data from "Racial Disparities in the Massachusetts Criminal System," a report by The Criminal Justice Policy Program at Harvard University, and statistics from the Prison Policy Initiative. According to each study, Blacks and Latinos make up 17% of the Massachusetts population, but make up over 50% of those currently incarcerated.

“Let me remind everybody right now. No one race or group of any type of people commit crimes at a higher level than any other. Yet Black and Latino people are charged with drugs and weapons more often and end up with higher sentences than white people on a regular basis,” Taylor said. “The DA is responsible for making those enhancements happen to people of color way more often than white people.”

Taylor said Black and Latino people more often receive mandatory minimums; are more likely to serve longer sentences than white people; receive longer sentences for the same crimes as white people; and are more likely to be sentenced in Superior Court “where sentences given are longer.”

“Once again we don't have exact numbers, but this is what Harvard and the trial courts were able to put together by looking at everything and figuring out how to compare apples to apples,” she said. “These are decisions made by the police and then the charging decision is made by the DA.”

Taylor also addressed racial disparities on bail decisions.

“White people are granted bail at a much higher rate than people of color and their bail is lower,” she said. “Bail is about control. It's like, you're not going to get bail, you're going to sit behind these bars, you're going to lose your job, you're going to lose your family, and you're going to sit there and wait for trial.”

Taylor concluded the webinar with “community engagement,” a category encouraging attendees to not only become involved in the district attorney election process, but to also request meetings with the local district attorney, create public records requests, build campaigns around specific issues and monitor the local press.

Because district attorneys planning to run for office in the November election are currently assembling “exploratory committees,” and are collecting the 300 signatures required to stand for office, by May 31, Taylor said now is the time for Cape citizens to ask candidates questions and demand answers.

“We as the voters need to tell them what our values are,” she said. “It's wonderful to see how caring all of you are about the issues and it looks like we have a really good group of voters to lead some peer voter education on district attorneys and their power here.”

As the program came to a close, Karen Boujoukos of the Martin Luther King Jr. Action Team, said the education program couldn't “be more timely.”

“With the recent retirement announcement by the Cape and Islands district attorney, and at least two candidates announcing their intention to run, we thank the ACLU Massachusetts branch for the important educational work they shared with us tonight,” Boujoukos said.