



**DEPARTMENT OF THE ATTORNEY GENERAL**

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GOVERNOR

**DOUGLAS S. CHIN**  
ATTORNEY GENERAL

For Immediate Release  
May 18, 2017

News Release 2017-53

**ATTORNEY GENERAL CHIN URGES DEPARTMENT OF JUSTICE  
TO RESCIND HARSH NEW SENTENCING GUIDELINES**

*Coalition of States Ask for Dialogue with U.S. Attorney General  
Jeff Sessions on Criminal Justice Issues*

HONOLULU— Hawaii Attorney General Doug Chin joined District of Columbia Attorney General Karl Racine and attorneys general from 13 other states in calling for United States Attorney General Jeff Sessions to rescind new instructions for Department of Justice (DOJ) prosecutors that are neither smart on crime nor good for public safety. The state attorneys general also asked to meet with Sessions to discuss smarter, data-driven approaches to criminal justice policy that are better for public safety and more fiscally sound.

In a letter sent to Sessions, the attorneys general write that “there is a strong and bipartisan national consensus that the harsh sentencing practices reflected in the DOJ policy announced last week do not increase public safety, and that consensus is supported by strong data.” Additionally, they say that “the new DOJ policy runs contrary not only to this consensus, but to basic principles of equal justice and sound fiscal policy.”

**Attorney General Chin** said, “Jeff Sessions wants to turn back the clock to a generation when sentencing policies impacted minorities unfairly and led to overcrowded prisons. Much research conducted and data analyzed since the time I started as a Honolulu deputy prosecutor in 1998 has taught law enforcement what works better and what is more fair. At a time when crime statewide is relatively low, this new DOJ policy hurts our community.”

Joining Attorneys General Chin and Racine in today’s letter are attorneys general from California, Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, North Carolina, Oregon, Vermont and Washington state.

A copy of the letter is attached.

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For more information, contact:  
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Attorney General**



May 18, 2017

Attorney General Jefferson B. Sessions III  
United States Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Attorney General Sessions:

We, the undersigned Attorneys General, write to express our deep concern regarding last week's announcement, in which you directed federal prosecutors to charge all defendants with the most serious criminal offenses that carry the severest penalties. While this policy may seem on the surface to be *tough* on crime, there is strong data suggesting that it is neither *smart* on crime nor *fair* on justice.

A broad, bipartisan consensus exists that “tough-on-crime” approaches like mandatory minimum sentences for non-violent, low-level offenses have not made our nation or our cities safer. Simultaneously, there is strong evidence that contact with the justice system exacerbates the likelihood that a low-level offender will go on to commit more serious crimes. One-size-fits-all sentencing has, at best, a questionable deterrent effect. Moreover, there is ample data demonstrating that “zero-tolerance” charging policies have led to mass incarceration and bloated government budgets.

By contrast, smart, data-driven approaches to criminal justice policy – including well-considered sentencing practices and rehabilitation programs for low-level offenders – have worked in several states. For example, in Georgia this year, Gov. Nathan Deal reported that in the last five years the state had simultaneously improved overall efficiency while enhancing public safety, saving tens of millions of dollars and reducing the state's prison population. Similarly, in Texas between 2007 and 2015, the rate of incarceration in state prisons fell 17 percent and the state closed three correctional facilities – all while the crime rate dropped 27 percent. Policies like this enhance public safety and fiscal responsibility at the same time.

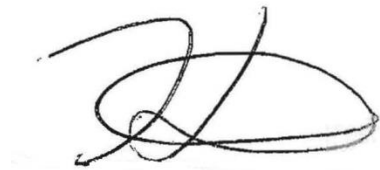
Beyond being unsound, policies that fail to provide individualized sentencing are also unjust and unfair in application. Mass incarceration produced by such policies has imposed massive social costs on communities and families, and that cost has fallen disproportionately on people of color. The federal prison population has increased by a third in the last decade alone. Further, the racial and ethnic composition of inmates incarcerated in the Federal Bureau of Prisons reflects the disproportionate impact of mandatory sentences. Of the nearly 200,000 inmates incarcerated within the federal Bureau of Prisons, 33% are Hispanic and 38% are

African American. Indeed, the United States Sentencing Commission, statutorily a bipartisan body, has unanimously agreed that the federal mandatory minimum sentencing scheme “led to unintended results,” including “unwarranted disparity in sentencing,” and “the current crisis in the federal prison population.”<sup>1</sup>

There is a strong and bipartisan national consensus that undifferentiated sentencing practices, like those reflected in the new DOJ policy announced last week, do not increase public safety and that they run contrary to basic principles of equal justice and sound fiscal policy. Moreover, your announcement comes right as the Trump administration has proposed to cut funding for substance use treatment and for the High Intensity Drug Trafficking Areas program – a critical tool for many localities in targeting drug cartels and reducing drug trafficking. None of this will help keep our communities safe.

For these and other reasons, we hope you will rescind your instructions to federal prosecutors. We request a meeting with you and your deputies to present more evidence and discuss further why we feel it is in everyone’s best interest to be smart and fair about crime.

-Sincerely,

A handwritten signature in black ink, appearing to be 'K. Racine', written in a cursive style.

Karl A. Racine  
Attorney General for the District of Columbia

A handwritten signature in blue ink, appearing to be 'Xavier Becerra', written in a cursive style.

Xavier Becerra, California Attorney General

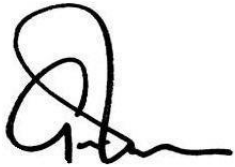
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<sup>1</sup>Statement of Judge Patti B. Saris, Chair, United States Sentencing Commission, For the Hearing on “Reevaluating the Effectiveness of Federal Mandatory Minimum Sentences” Before the Committee on the Judiciary, United States Senate (September 18, 2013), available at [http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/submissions/20130918\\_SJC\\_Mandatory\\_Minimums.pdf](http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/submissions/20130918_SJC_Mandatory_Minimums.pdf).

Attorney General Jeff Sessions

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George Jepsen, Connecticut Attorney General



Douglas Chin, Hawaii Attorney General



Lisa Madigan, Illinois Attorney General



Tom Miller, Iowa Attorney General



Janet T. Mills, Maine Attorney General



Brian E. Frosh, Maryland Attorney General



Maura Healey, Massachusetts Attorney General



Hector Balderas, New Mexico Attorney General

Attorney General Jeff Sessions

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Handwritten signature of Eric T. Schneiderman in black ink.

Eric T. Schneiderman, New York Attorney General

Handwritten signature of Josh Stein in black ink.

Josh Stein, North Carolina Attorney General

Handwritten signature of Ellen F. Rosenblum in blue ink.

Ellen F. Rosenblum, Oregon Attorney General

Handwritten signature of T.J. Donovan in black ink.

T.J. Donovan, Vermont Attorney General

Handwritten signature of Bob Ferguson in blue ink.

Bob Ferguson, Washington State Attorney General