



May 29, 2020

President's Commission on Law Enforcement & the Administration of Justice
United States Department of Justice
950 Pennsylvania Avenue NW
Washington D.C. 20530-0001

Re: Concerns regarding the Commission's process and potential recommendations and request for your assistance to address them

Dear Commission Members:

As elected prosecutors and members of separate working groups to the President's Commission on Law Enforcement and the Administration of Justice ("Commission"), we write to express our concerns about several important issues relating to the work of the Commission and what may be published in its final report.

We are honored to have been selected by the Department of Justice to serve as working group members to provide our perspectives and share our expertise to help construct recommendations to the Commission. We appreciated the opportunity to participate in a series of conference calls focused on the specific charge and topics taken on by our respective working groups.

As publicly-named working group members – and two of only four locally-elected prosecutors serving on the Commission's 17 working groups – we have fielded numerous calls expressing concerns about the work of the Commission, many of which we have been unable to answer. This is largely because neither of us have information on what other working groups are recommending, nor have we seen any draft recommendations. Nevertheless, we feel strongly that we need to express some of the concerns that have been shared with us on behalf of the communities we represent and care deeply about, as well as our prosecutor colleagues nationwide. These concerns are particularly timely in the context of deepening divides and fractured bonds of trust between law enforcement and communities of color – as evidenced most recently by events over these past few days.

Below are several of the concerns that have been brought to our attention, concerns we share and feel are important to respectfully convey to the Commission:

- Concerns have been raised by the NAACP and a host of other organizations with the Commission's process, inclusiveness and transparency, and whether the Commission's processes conform to applicable federal law;

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- Questions have been raised as to whether the Commission's final report, and the recommendations it advances, will sufficiently recognize and be responsive to the issue of racial disparities in policing and the justice system, as well as the inequities of the cash bail system and ongoing concerns about the erosion of trust in law enforcement and the justice system within communities of color; and
- Most concerning, as prosecutors, is language in the President's Executive Order as well as the charge of the Respect for Law Enforcement working group suggesting there may be language in the Commission's final report that would seek to erode local prosecutorial discretion. Communities across our country, including our own, have benefitted tremendously from efforts by elected DAs to implement evidence-based reforms, which enable the strategic and smart use of scarce prosecutorial resources only where justice system involvement is necessary. We are very concerned that the role of prosecutors as independently-elected officials and ministers of justice could well be undermined by recommendations diminishing the exercise of that discretion.

Due to the critical nature of these concerns, we feel compelled to address them and respectfully request your assistance in doing so by confirming the following:

1. **All upcoming Commission hearings**, including those in which recommendations will be discussed, **will be fully open and accessible to the press and public**, as required by law;
2. **As working group members, we are able to review the recommendations of the other working groups**, particularly those of the "Respect for Law Enforcement" working group, to better understand the Commission's consideration of issues relating to prosecutors and the communities we serve, including those involving race and prosecutorial discretion; and
3. **We will have ample opportunity to review the Commission's final report before it is made public.**

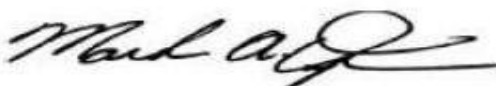
Thank you, in advance, for your prompt attention to these concerns. We look forward to working with you to address them and are hopeful we can continue to be a constructive part of this important endeavor.

Sincerely,



John J. Choi
Ramsey County Attorney
State of Minnesota

Sincerely,



Mark A. Dupree, Sr.
District Attorney, Wyandotte County
State of Kansas