



OFFICE OF THE RAMSEY COUNTY ATTORNEY

John J. Choi

September 3, 2020

The Honorable William P. Barr
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

RE: Resignation in Anticipation of Final Report

Dear Attorney General Barr:

I am writing to you in my capacity as an elected prosecutor from Ramsey County, Minnesota, which includes the city of Saint Paul and its surrounding suburbs. I served as a member of the Criminal Justice System Personnel Intersection Working Group to the Presidential Commission on Law Enforcement and the Administration of Justice (“Commission”).

At the end of May, I wrote to the Commission (see attached letter) expressing my serious concerns and reservations with regard to how the public would be engaged and how the Commission would be responsive to issues related to racial disparities in policing and the criminal justice system. What I was trying to communicate was that we needed to listen to those who have been negatively impacted by policing and the criminal justice system. In fact, one of the most elusive solutions in the United States today is how we bridge the great divide between law enforcement and the communities they are tasked to protect.

To date, I have yet to receive any response to the issues I raised and have grown increasingly concerned that the final report will only widen the divisions in our nation. To avoid this, the effort should have engaged with our communities around bridging this divide, but it is now clear to me that was never the intended goal. By design, the Commission was asked to “study crime...and how we can restore the public confidence in law enforcement to its rightful place.” Rather than examine how decades of over-policing in communities of color have created that deficit of trust, the Commission was instead encouraged to study “underenforcement” of criminal laws and “refusals by State and local prosecutors to enforce laws or prosecute categories of crimes.”

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At the *very beginning* of this process, President Trump said the Commission would “have [the recommendations] soon because most of them know many of the answers before they begin.” It is now patently obvious that he was correct – that this process had no intention of engaging in a thoughtful and open analysis, but was intent on providing cover for a predetermined agenda that ignores the lessons of the past, furthering failed tough-on-crime policies that led to our current mass incarceration crisis and fueling divisions between our communities and our police officers.

At the end of July, US Attorney William McSwain [took the stage](#) to blame local prosecutors for rising crime. Mr. McSwain claimed, “so-called progressive prosecutors have ...little regard for the public safety,” and as a result, “[c]riminals bank on the fact that certain progressive policies ... give them... breathing room to ply their trade.” While that could not be further from the truth, Mr. McSwain was invited to testify before the Commission while many of those with contrary evidence were not.

In fact, many reform-minded prosecutors are choosing not to prosecute minor crimes, like sleeping on the street or possessing marijuana, in favor of devoting their limited resources to investigating and prosecuting serious cases. A prosecutor has every right and obligation to exercise their discretion to conform with the justice and public safety values of their community, just as you have purported to do, on behalf of our nation, as you and the Department of Justice have handled the prosecution and sentencing of Michael Flynn.

Elected prosecutors play a critical, independent role in the justice system and are key partners in re-establishing public trust and delivering community-focused justice and public safety outcomes for America’s communities. I fear this report will vilify local prosecutors who exercise their well-settled prosecutorial discretion consistent with their community’s values and the interests of justice.

I was eager to join this effort because I believed it had the potential to play a critical role in helping our country reckon with the massive racial and economic disparities that exist – both with respect to how people are policed and protected – in America. You recently acknowledged that, “people operate very frequently according to stereotypes, and I think it takes extra precaution on the part of law enforcement to make sure we don’t reduce people to stereotypes, we treat them as individuals.”

However, this process was a missed opportunity to seriously deliberate in regard to areas for improvement in law enforcement and develop thoughtful solutions to address longstanding problems in the criminal legal system. While we did have some respectful and substantive conversations in my work group, I have little confidence that the concerns and perspectives of those who are peacefully taking to the streets right now, who have been advocating that over-policing disproportionately impacts people of color and those in under-resourced communities, are included in the Commission’s recommendations to you.

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My obligation is to serve the people of Ramsey County and I need to take a stand on behalf of these concerns that may have never made it to your desk and on behalf of the growing numbers of elected prosecutors who work hard to represent and advocate for their communities and have embraced the time-honored tradition that prosecutors are ministers of justice. We need policies and recommendations that are designed to be smart on crime – to prioritize limited taxpayer dollars, build meaningful trust with our communities and keep our residents and officers safe.

In my letter, I also requested that those of us on the various working groups be allowed to review the recommendations of other working groups as well as the final report, which my name – as a working group member – will be associated with, before it is made public. To my knowledge, no recommendations have been shared with working group members. As such, I respectfully request that you consider my resignation effective immediately and remove my name from the list of working group members associated with your final report. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Choi". The signature is fluid and cursive, with a prominent initial "J" and a trailing flourish.

John J. Choi
Ramsey County Attorney



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.**

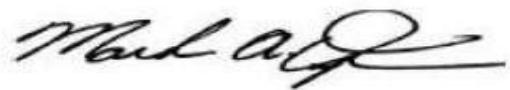
Thank you, in advance, for your prompt attention to these concerns. We look forward to working with you to address them and are hopeful we can continue to be a constructive part of this important endeavor.

Sincerely,



John J. Choi
Ramsey County Attorney
State of Minnesota

Sincerely,



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