

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

February 17, 2021

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin and Ranking Member Grassley:

As a group of local prosecutors committed to criminal justice reform, police reform, and racial justice, we are writing to express our support for the nomination of Lisa Monaco as Deputy Attorney General.

Mrs. Monaco spent 15 years at the Department of Justice and was a key member of the Obama Administration. As a former Assistant United States Attorney in Washington DC, she has experience working with local prosecutors, an important attribute for building relationships with prosecutors across the country.

The Deputy Attorney General is a position that is of crucial importance to our criminal justice system. If confirmed, Ms. Monaco will oversee the implementation of the First Step Act. Despite the sentencing and prisons reform legislation passing during the Trump Administration, the former President's DOJ deliberately stalled key parts of the bill, with prosecutors opposing resentencing applications that people were entitled to under the law, underfunding the programmatic parts of the bill, and botching the risk assessment tool.¹ We are confident that Ms. Monaco will reverse these errors.

Ms. Monaco will also oversee the Bureau of Prisons as part of her portfolio. This area of the Justice Department is key for a number of reasons. The Bureau of Prisons annual budget is \$7 billion, and takes up a quarter of the overall Justice Department budget.² Such a huge expenditure squeezes DOJ's budget in other areas, particularly in the area of state and local grants that are made available to improve public safety. Although sentencing reforms like the

¹ https://www.washingtonpost.com/investigations/trump-brags-that-his-landmark-law-freed-these-inmates-his-justice-department-wants-them-to-stay-in-prison/2019/11/07/5f075456-f5db-11e9-a285-882a8e386a96_story.html

²

<https://www.justice.gov/jmd/page/file/1033161/download#:~:text=The%20FY%202019%20budget%20request,of%20unobligated%20prison%20construction%20balances.>

First Step Act have passed Congress, the impact on the prison population is modest. Recent years have seen reductions in the population but more must be done to reduce the prison population. The next Deputy Attorney General should look at ways of reducing the population and budget, and prison overcrowding, by supporting more transformational sentencing reform initiatives, especially for drug offenders, who make up 50% of BOP's population.

In that vein, the spread of COVID-19 behind federal prison walls has laid bare the inhumane approach of the last Administration to incarcerated people. BOP blocked over 98% of applications for compassionate release for people at risk of the virus.³ 221 inmates and 4 staff have died of the disease to this date.⁴ We hope that Ms. Monaco will take steps to prevent more unnecessary deaths.

Ms. Monaco will also have a role in the management of the Drug Enforcement Administration (DEA). Too often, the DEA has been a tool of the failed war on drugs. The agency must recognize the racial disparities associated with the drug war, and adapt to new realities as Americans embrace marijuana legalization and public health approaches to drug use.

Finally, Ms. Monaco will oversee the appointment and supervision of the 93 United States Attorneys in our nation. US Attorneys are the chief federal law enforcement officers and often work hand in hand with state and local prosecutors. Under Ms. Monaco, we have an opportunity for these critical positions to be filled with qualified, progressive individuals from diverse backgrounds in the communities most often utilizing the services of the federal defenders. Instead of exclusively filling these roles with career federal prosecutors, we have the opportunity to have US Attorney's with lived experiences in the criminal legal system, who were criminal and civil defense attorneys, reform-minded prosecutors, or exceptional civil rights lawyers. The advances we have seen in election of progressive prosecutors can be a proof of concept for DOJ and the appointment of US Attorneys.

President Biden himself has made many of these commitments. He has affirmed his support for using the Department of Justice (DOJ) to investigate police misconduct, wants to eliminate mandatory minimums, expand clemency, reform outdated marijuana laws, stop incarcerating people for drug use, and more. Already, our new president, recognizing the stain of systemic racism within government and the need for racial equity, has banned federal contracts with private prisons that were financially benefiting from the government's over-reliance on the incarceration of Black and Brown people.

We are confident that Lisa Monaco can be the person to spearhead these much-needed changes. Reform is difficult, but Ms. Monaco has the experience, courage, and passion to make a difference where it counts. She has our full support as Deputy Attorney General.

Sincerely,

³ <https://www.themarshallproject.org/2020/10/07/thousands-of-sick-federal-prisoners-sought-compassionate-release-98-percent-were-denied>

⁴ <https://www.bop.gov/coronavirus/>

Marilyn J. Mosby, Baltimore City State's Attorney

Larry Krasner, Philadelphia District Attorney

Kim Foxx, Cook County State's Attorney

Rachael Rollins, Suffolk County District Attorney

Chesa Boudin, San Francisco District Attorney

George Gascon, Los Angeles District Attorney

John Creuzot, Dallas County District Attorney

Wesley Bell, St. Louis County Prosecuting Attorney

Satana Deberry, District Attorney for Durham, North Carolina

Kim Gardner, Circuit Attorney for the City of St. Louis, Missouri

Stephanie Morales, Commonwealth's Attorney for Portsmouth, VA

Lynneice O. Washington, Jefferson County District Attorney - Bessemer Cutoff Division

Aisha Braveboy, State's Attorney, Prince George's County, MD

Sherry Boston, Dekalb County District Attorney