



# NATIONAL DISTRICT ATTORNEYS ASSOCIATION

## **FOR IMMEDIATE RELEASE**

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### **National District Attorneys Association statement on charging and sentencing memo to federal prosecutors**

ARLINGTON, Virginia – On Friday, May 12, Attorney General Jeff Sessions issued a memo to federal prosecutors outlining updated charging and sentencing guidelines for the Department of Justice (DOJ). The National District Attorneys Association (NDAA), representing America's 2500 elected and appointed state and local prosecutors, stands with its federal counterparts in doing all that we can to protect the communities we serve. Federal prosecutors, like the thousands of state and local assistant prosecutors across the country, reserve the toughest sanctions for those who have been given second chances and continue to profit off criminal activity, and those that commit offenses severe enough to warrant corresponding punishment, such as serious drug trafficking offenses and other violent felonies.

We are in the middle of an opioid epidemic that threatens the lives of many across this country, whether preyed upon by the disease of addiction, or those preyed upon by drug traffickers peddling drugs across our borders and into our neighborhoods. State and local prosecutors deal with the vast majority of drug cases, and have developed numerous preventative measures to differentiate between the addict and the dealer and have attempted to balance treatment versus punishment when appropriate. State and local prosecutors also have a long track record of recognizing the need to partner with federal prosecutors. Most drug cartels or conspirators do not concern themselves with county or even national borders. These purveyors of poison only recognize profit and have no concern for the heartache and misery that are a direct consequence of their actions.

The balance struck by state and local prosecutors can also be achieved at the federal level. DOJ's updated charging and sentencing guidelines reserve the harshest punishments for those committing the most serious offenses, instructing federal prosecutors to seek the most serious charge they can prove, a common sense principle for prosecutors. At the same time, the directive allows federal prosecutors to deviate from the federal sentencing structure should circumstances in a case warrant a lesser sentence. That flexibility is of the utmost importance as the circumstances in every case are unique. It is a myth that low level, non-violent drug offenders are languishing in federal prisons. Yet we must be smart about the way we use prison and prosecutors must continue to learn how best to handle certain types of cases, such as human trafficking, where the victims too often have been treated as criminals.

Prosecutors and law enforcement have the mutual goal of ensuring the safety of all Americans. It matters little how much we spend on education or health care or infrastructure if a young person in

one of our inner cities cannot walk to a corner store without being harassed by drug dealers or dodging bullets from warring gangs. Prosecutors must go after criminals directly causing harm to others and communities, while also using discretion to recognize when an individual played a lesser role in a situation, warranting a less severe punishment. The updated guidelines do just that, and NDAA looks forward to working with Attorney General Sessions to ensure that those who truly deserve the most severe punishment in order to seek justice receive it, while still allowing prosecutors the discretion and flexibility to consider other factors warranting a less severe punishment in certain cases.

*The National District Attorneys Association (NDAA), [www.ndaa.org](http://www.ndaa.org), is the largest prosecutor organization in the country, representing 2,500 elected and appointed District Attorneys across the United States, as well as 40,000 Assistant District Attorneys.*

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