




Office of the Attorney General  
Washington, D. C. 20530

January 29, 2021

MEMORANDUM FOR ALL FEDERAL PROSECUTORS

FROM: THE ACTING ATTORNEY GENERAL 

SUBJECT: Interim Guidance on Prosecutorial Discretion, Charging, and Sentencing

The reasoned exercise of prosecutorial discretion is critical to the fairness, effectiveness, and integrity of the criminal justice system. For decades, consistent with the *Principles of Federal Prosecution*, the Department of Justice has provided guidance to federal prosecutors underscoring the importance of making careful, case-specific assessments as to what matters to investigate, which charges to bring, when to enter into plea agreements, and how to advocate at sentencing.

To ensure that prosecutors are able to exercise this discretion in pursuing justice, I am rescinding, effective immediately, the directive entitled *Department Charging and Sentencing Policy* (May 10, 2017) and reinstating the guidance articulated in *Department Policy on Charging and Sentencing* (May 19, 2010) as an interim measure before Senate-confirmed leadership is in place at the Department. The goal of this interim step is to ensure that decisions about charging, plea agreements, and advocacy at sentencing are based on the merits of each case and reflect an individualized assessment of relevant facts while longer-term policy is formulated. This interim policy supersedes any conflicting *Justice Manual* provisions.

Together we will work to safeguard the public, maximize the impact of our federal resources, avoid unwarranted disparities, promote fair outcomes in sentencing, and seek justice in every case. Thank you for your continued dedication to achieving those goals.