



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

January 26, 2021

MEMORANDUM FOR ALL FEDERAL PROSECUTORS

FROM: THE ACTING ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Monty Will", with a long horizontal flourish extending to the right.

SUBJECT: Rescinding the Zero-Tolerance Policy for Offenses Under 8 U.S.C. § 1325(a)

As federal prosecutors, we are charged with seeking justice. The exercise of this responsibility results in highly consequential determinations and requires considerable judgment.

Accordingly, the Department's *Principles of Federal Prosecution* have long emphasized that decisions about bringing criminal charges should involve not only a determination that a federal offense has been committed and that the admissible evidence will probably be sufficient to obtain and sustain a conviction, but should also take into account other individualized factors, including personal circumstances and criminal history, the seriousness of the offense, and the probable sentence or other consequences that would result from a conviction.

Consistent with this longstanding principle of making individualized assessments in criminal cases, I am rescinding—effective immediately—the policy directive entitled *Zero-Tolerance for Offenses Under 8 U.S.C. § 1325(a)* (April 6, 2018). A policy requiring a prosecutor to charge every case referred for prosecution under 8 U.S.C. § 1325(a) without regard for individual circumstances is inconsistent with our principles.

While policies may change, our mission always remains the same: to seek justice under the law. Thank you for your service and for all that you do to ensure justice for all.