



U.S. Department of Justice
Civil Rights Division

Office of the Assistant Attorney General
950 Pennsylvania Ave. NW - RFK
Washington, DC 20530

February 26, 2026

VIA EMAIL ONLY (through counsel)

Hon. Mary Moriarty
Hennepin County Attorney
C-2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487

RE: DOJ's Investigation of Hennepin County Attorney's Office (HCAO)

Dear County Attorney Moriarty:

Thank you for your legal counsel's letter, dated February 13, 2026. We are pleased that you have revised HCAO's *Negotiations Policy for Cases Involving Adult Defendants* to remove unconstitutional, race-based considerations. I write to notify you that, based upon this revision, I have directed my office to close our investigation of this matter. Please ensure that your revised policy is published and accessible to the public.

As you are aware, your prior policy directed prosecutors to consider the "racial identity" of "person[s] charged" in "proposed resolutions." That policy violated the Fourteenth Amendment and Title VI of the Civil Rights Act. See *Zant v. Stephens*, 462 U.S. 862, 885 (1983) (identifying race among "factors that are constitutionally impermissible or totally irrelevant to the sentencing process"); *Buck v. Davis*, 580 U.S. 100, 124 (2017) ("Relying on race to impose a criminal sanction 'poisons public confidence' in the judicial process"); see also *Students for Fair Admissions, Inc. v. President & Fellow of Harvard College*, 600 U.S. 181, 230-31 (2023). HCAO's revised policy removes this language. We appreciate that HCAO now has corrected a policy that clearly violated the Constitution.

We continue to disagree with your counsel's assertions regarding the applicability of 34 U.S.C. § 12601 and Title VI to prosecutorial misconduct. HCAO's policy change provides the injunctive relief we could have sought. Your prior policy, however, leaves open the ability of people disadvantaged by it to challenge their criminal sanctions. Thus, your prior policy may still undermine past convictions and erode public safety. Closure of our investigation does not foreclose the remedies that private parties may seek against HCAO for its unconstitutional policy.

Sincerely,

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division