



PROVO CITY ATTORNEY'S OFFICE PROSECUTION POLICY

Purpose

This policy establishes transparent and uniform guidelines for the prosecution of criminal cases by the Provo City Attorney's Office

Scope

All attorneys and support staff with criminal prosecution or related duties in the Provo City Attorney's Office are subject to this policy.

Screening and filing of charges.

A prosecutor should approve criminal charges only if the prosecutor reasonably believes there is sufficient admissible evidence to support probable cause and the decision to charge is in the interests of justice.

Plea bargains

Prosecutors are empowered to negotiate plea bargains, including plea in abeyance agreements. Negotiations are undertaken in the interests of justice, while considering the totality of circumstances, including:

- Available evidence
- The availability and willingness of witnesses to testify
- Any physical or mental impairment of defendants or witnesses
- The certainty of witnesses' identification of the defendant
- The criminal history of the defendant
- The credibility of the witnesses
- A witness's relationship to the defendant
- Any possible improper witness motive
- Witness age
- Any undue hardship to a witness.
- Extent of physical injury and emotional trauma to a victim
- Economic loss suffered by a victim
- Any other relevant factor

Prosecutors should not take into account the following attributes of defendants, unless legally relevant to the charge:

- Race
- Religion
- Gender
- Ethnicity
- National origin
- Political association or belief



Sentencing recommendations

Prosecutors should inform the Court of relevant information to consider in making fair and informed sentencing decisions in each case.

Discovery practices

Before trial of a criminal case, a prosecutor should make timely disclosure to the defense of all information in the possession of the prosecution or its agents that tends to negate the guilt of the accused, mitigate the offense charged, impeach the government's witnesses or evidence, or reduce the likely punishment of the accused if convicted. The obligations to identify and disclose such information continue throughout the prosecution of a criminal case. A prosecutor should determine whether additional statutes, rules or case law may govern or restrict the disclosure of information, and comply with these authorities absent court order.

Prosecution of juveniles

When prosecuting a juvenile, prosecutors may consider a defendant's age in any discretionary act, such as filing of charges, entering plea agreements, or referring the case to the Utah County Attorney's Office.

Fines and fees

Prosecutors should make fine and fee recommendations pursuant to relevant Utah and City law. Prosecutors are empowered to raise or lower fine recommendations upon consideration of the totality of the circumstances of each case.

Criminal and civil asset forfeiture practices

Prosecutors may on occasion assist the Provo Police Department in securing ownership of firearms through judicial process for disposal according to State law. Prosecutors may elect to seek forfeiture of other property pursuant to Utah Code.

Victims of Crime

Prosecutors are encouraged to make use of all available Victim Assistance Programs as provided by the Provo City Police Department.

Diversion programs

Provo City Attorney's Office does not have a formal diversion program.

Restorative justice programs

Provo City Attorney's Office does not have a formal restorative justice program.