

1 **HB 288**

2 **Statement of Purpose**

3 Assistant Attorneys General who serve in the role of prosecutor, act under the supervision of  
4 section and division Directors and the Criminal Deputy and Chief Criminal Deputy. Attorneys  
5 designated as prosecutors also act independently as administrators of justice and are accountable  
6 to the public and the Utah Rules of Professional Conduct enforced by the Utah State Bar. This  
7 policy manual serves as an additional guide for Assistant Attorney Generals designated as  
8 “prosecutors” in the employment of their duties and to promote the reasoned exercise of  
9 prosecutorial authority and contribute to the fair, evenhanded administration of the state and local  
10 criminal laws.

11 A determination to prosecute represents a policy judgment that the fundamental interests of society  
12 require the application of criminal law to a particular set of circumstances—recognizing both that  
13 serious violations of law must be prosecuted and that prosecution entails profound consequences  
14 for the accused, crime victims, and their families as well the community whether or not a  
15 conviction ultimately results. Other prosecutorial decisions can be equally significant. For  
16 example, decisions regarding the specific charges to be brought, the negotiation of plea  
17 dispositions, sentencing recommendations, etc. also have a significant impact on the accused, the  
18 victims and their families and the community. Being aware of these impacts is essential to  
19 effective and fair prosecution.

20 These principles of prosecution have been designed to assist in structuring the decision-making  
21 process of attorneys for the government. For the most part, they have been cast in general terms  
22 with a view to providing guidance rather than mandating results. The intent is to assure regularity  
23 without regimentation, and to prevent unwarranted disparity without sacrificing necessary  
24 flexibility. These principles are intended as tools and not necessarily rules that regulate decision  
25 making.

26 The availability of this statement of principles to law enforcement officials and to the public  
27 serves two important purposes: ensuring the fair and effective exercise of prosecutorial discretion  
28 and the responsibilities of attorneys for the government, and promoting confidence on the part of  
29 the public and individual defendants that important prosecutorial decisions will be made  
30 rationally and objectively on the merits of each case. These principles are intended to provide  
31 convenient reference points for the process of making prosecutorial decisions and facilitate the

32 task of training new attorneys in the proper discharge of their duties; they contribute to more  
33 effective management of the government's limited prosecutorial resources by promoting greater  
34 consistency among the prosecutorial activities of the Attorney General's Office and between  
35 their activities and the Attorney General's law enforcement priorities; they make possible better  
36 coordination of investigative and prosecutorial activity by enhancing the understanding of  
37 investigating departments and agencies of the considerations underlying prosecutorial decisions  
38 by the prosecutors; and they inform the public of the careful process by which prosecutorial  
39 decisions are made.

40 Important though these principles are to the proper operation of our State and local prosecutorial  
41 system, the success of that system must rely ultimately on the character, integrity, sensitivity, and  
42 competence of those men and women who are selected to represent the public interest in the  
43 criminal justice process. It is with their help that these principles have been prepared, and it is  
44 with their efforts that the purposes of these principles will be achieved.