Statement of Purpose

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

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

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

The availability of this statement of principles to law enforcement officials and to the public serves two important purposes: ensuring the fair and effective exercise of prosecutorial discretion and the responsibilities of attorneys for the government, and promoting confidence on the part of the public and individual defendants that important prosecutorial decisions will be made rationally and objectively on the merits of each case. These principles are intended to provide convenient reference points for the process of making prosecutorial decisions and facilitate the
task of training new attorneys in the proper discharge of their duties; they contribute to more
effective management of the government's limited prosecutorial resources by promoting greater
consistency among the prosecutorial activities of the Attorney General’s Office and between
their activities and the Attorney General’s law enforcement priorities; they make possible better
coordination of investigative and prosecutorial activity by enhancing the understanding of
investigating departments and agencies of the considerations underlying prosecutorial decisions
by the prosecutors; and they inform the public of the careful process by which prosecutorial
decisions are made.
Important though these principles are to the proper operation of our State and local prosecutorial
system, the success of that system must rely ultimately on the character, integrity, sensitivity, and
competence of those men and women who are selected to represent the public interest in the
criminal justice process. It is with their help that these principles have been prepared, and it is
with their efforts that the purposes of these principles will be achieved.