

Wasatch County Criminal Prosecution Policies

Pursuant to Section 63M-7-216, the following policies and standards will guide the use of prosecutorial discretion within the Wasatch County Attorney's Office and provide a framework for interactions with courts, victims, defendants, defense attorneys, law enforcement agencies, witnesses, and other stakeholders in the criminal justice system.

1. Screening and Filing Charges. The screening process begins when a case is referred to the office by a law enforcement agency. Referral of a case may be by formal submission and request for screening or by the filing of a probable cause statement after a warrantless arrest. The screening process culminates with one of the following:
 - a. The filing of criminal charges;
 - b. Return of the case to the law enforcement agency for additional investigation;
 - c. Entry into a pre-filing diversion agreement; or
 - d. Declination of prosecution.

Charges should only be filed and maintained if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support a conviction at the standard of proof beyond a reasonable doubt, and that the charges are in the interest of justice.

2. Plea Bargains. Judicial and budgetary limitations dictate that most cases will be resolved by plea bargain. It is simply not possible to take most cases to trial given the limited resources of the court system, this office, and law enforcement. Plea bargains may take the form of charge reductions, partial dismissal, pleas held in abeyance, sentencing agreements, or a combination of these options. The use of plea bargains shall be in accordance with all applicable statutes and rules and shall promote just and productive outcomes. Factors that may be considered in making plea offers and plea agreements include, without limitation:
 - a. Severity and/or notoriety of the crime;
 - b. Victims' expressed desires;
 - c. Safety of victims, witnesses, and the community;
 - d. Strength of admissible inculpatory and exculpatory evidence;
 - e. Rehabilitation opportunities for defendant;
 - f. Cooperation of defendant;
 - g. Defendant's criminal history; and
 - h. Extent of defendant's participation in charged crimes.

3. Sentencing Recommendations. This office shall make sentencing recommendations in accordance with State law with the goals of protecting victims and members of the public, deterring future offenses, and rehabilitating the offender. The same factors used in plea bargains may be considered when making sentencing recommendations.
4. Discovery Practices. This office will follow the mandates of Rule 16 of the Utah Rules of Criminal Procedure and all other applicable statutes and rules by providing evidence to defendants/defense counsel in a timely fashion. This office recognizes its special responsibility to provide exculpatory evidence, including evidence that may be used to impeach state witnesses.
5. Prosecution of Juveniles. This office will work closely with the juvenile probation office to determine whether delinquent acts committed by juveniles should be resolved by nonjudicial adjustment or through formal adjudication. These determinations will take into account the standards for screening set forth in Paragraph 1 above. In determining whether to prosecute a juvenile as an adult for a “qualifying offense” as defined by Section 78A-6-703.1 of Utah Code this office will consider factors that may include, but are limited to the following:
 - a. the best interests of the juvenile offender;
 - b. the safety of victims, witnesses, and the community;
 - c. the seriousness of the offense;
 - d. whether the offense was committed in an aggressive, violent, premeditated, or willful manner;
 - e. the history and background of the juvenile offender; and
 - f. the likelihood of rehabilitation and the availability of rehabilitation and treatment resources.
6. Collection of Fines and Fees. This office will assist the courts with the collection of fines and fees ordered as conditions of probation by structuring appropriate incentives and by filing and prosecuting orders to show cause when necessary.
7. Asset Forfeiture. The practice of this office is to use asset forfeiture sparingly and only in connection with filed criminal cases using the criminal asset forfeiture process outlined in Section 24-4-105 of Utah Code Annotated.
8. Services for Victims of Crimes. This office recognizes its responsibility to victims of crimes under Article 1, Section 28 of the Utah Constitution and Chapters 37, 38, and 38a

of Title 77 of Utah Code Annotated. Our Victim Advocates serve as liaisons between crime victims and this office, provide direct assistance to victims of crime in Wasatch County and assist crime victims with applications for reparations and counseling.

9. Diversion Programs. This office may institute diversion programs for certain types of misdemeanor cases which have no identified victims and meet the criteria established as part of the program. On rare occasions diversions may be used individual cases as a plea bargain tool using the criteria set forth in the plea bargain policy.
10. Restorative Justice Programs. This office is open to using restorative justice programs which are evidence based and victim orientated in order to, as much as possible, repair the harm caused to victims and decrease recidivism. No victim will be coerced into participating in a restorative justice program.