



Mayor
Mike Gailey

City Council
Lisa Bingham
Corinne Bolduc
Dave Maughan
Jordan Savage
Seth Teague

City Manager
Brody Bovero

SYRACUSE CITY PROSECUTOR'S OFFICE SPECIFIC OFFICE POLICIES

Published December 17, 2020

The Syracuse City Prosecution Office maintains the following policies. Due to complexities of each case, both legal and factual, policies are subject to variation in the interest of justice.

Syracuse City prosecutes in the Syracuse City Justice Court, and therefore has limited jurisdiction over cases. This office prosecutes Infractions, Class C Misdemeanors, and Class B Misdemeanors committed by adults, and traffic violations committed by minors. It will on occasion pursue certain Class A Misdemeanors in the District Court. Class A Misdemeanors are referred to the Davis County Attorney's Office; Syracuse City honors their charging decisions.

Screening and Filing Criminal Charges

1. Most cases are filed directly with the Court by the law enforcement agency via citation, without the need for advance approval by the Prosecutor. *See* Utah Code Ann. § 77-7-18 (Supp. 2018). Cases which a law enforcement agency wishes to be reviewed for charges are submitted to the City Prosecutor for screening.
2. The Prosecution's review of the case is generally limited to the facts, statements and reports in the police case file.
3. Whenever possible, screening officers are expected to solicit the statement of a suspect prior to the screening of charges.
4. Charges are screened under a standard of a reasonable probability of success. This standard is more rigorous than the probable cause standard and weighs probable defenses against the weight of evidence presented; it also considers the burden of proving a case beyond a reasonable doubt.
5. If charges are filed, a probable cause statement is issued including a statement of evidence supporting the elements of the crimes alleged.
6. Declinations are specific, recite the relevant facts, and explain the reasoning behind a decision to decline charges.

Plea Bargains

1. Plea offers are tendered in most cases; however, no defendant is entitled to a plea offer.

2. Offers for plea bargains take into consideration the case's circumstances, a victim's expressed wishes, the defendant's circumstances, and the defendant's criminal background history.
3. Offers made to pro se or indigent defendants are kept in parity with those offered to represented defendants.

Sentencing Recommendations

1. Unless mandated by statute or due to aggravating circumstances in a case or a criminal history, suspended jail sentences and rehabilitative measures are favored by this office in its sentencing recommendations.
2. Community service in lieu of fines is always an acceptable arrangement. Community service is not acceptable as a means to satisfy restitution ordered for a victim.
3. The City will honor its commitments to specific sentencing recommendations if they were part of a negotiated plea.
4. Victims have the right to tender their own sentencing recommendations apart from the City's. The City's sentencing recommendations will not include silencing victims or discouraging their participation in the process.

Discovery Practices

1. The City maintains an open file policy but reserves the right to redact private victim or witness information if that information is likely to reach a criminal defendant. The City will cooperate with defense counsel in obtaining evidence that is necessary to the defense.
2. The City requests that police produce body-camera and dashboard camera footage in every case for which the City receives a discovery request and produces it as part of discovery without the need for a supplemental request.
3. When additional evidence is received by the prosecution, it is promptly forwarded to the defense.
4. Reciprocal discovery requests are submitted with every discovery response; the City will object to the tender of evidence that was not provided to the City pursuant to its request.
5. Electronic discovery is the City's preferred method of production.

Prosecution of Juveniles

1. This office's jurisdiction over juveniles is limited to traffic offenses. The City utilizes referrals to Youth Court for juveniles in most cases, if the juvenile agrees to the process.
2. Juveniles are otherwise treated like other offenders when it comes to plea offers.

Collection of Fines and Fees

1. The City Prosecutor is not involved in the collection of fines or fees assessed by the Court.

Criminal and Civil Asset Forfeiture Practices

1. The Office of the City Prosecutor does not engage in criminal or civil asset forfeiture.

Services Available to Victims of Crime

1. The City employs a victim advocate who coordinates and offers services to victims of crime.
2. Victims who need shelter are referred to community organizations such as Safe Harbor or other programs providing that service.
3. Victims who have suffered monetary losses are encouraged to apply for assistance from the Utah Crime Victims Reparation program.
4. The City Prosecutor will meet individually with any victim of crime that wishes to discuss the case.

Diversion Programs

1. The City operates a Youth Court as an official non-judicial diversion program for juveniles or young adults who are currently attending High School. Most juvenile cases are referred there if the defendant and a guardian consent to it.
2. Qualified cases in which substance abuse and addiction were an underlying cause of criminal behavior may be referred to the Davis County Receiving Center for diversion of charges.
3. Other diversions are completed through a written diversion agreement, which explains the precise requirements for a defendant to qualify for the diversion.

Restorative Justice Programs

1. The City does not have policies regarding specific restorative justice programs.
2. The City is interested in pursuing effective, evidence-based programs that focus on restorative justice.
3. Syracuse Justice Court currently meets one day per week, so any involvement in a formal restorative justice program will need to be multi-jurisdictional or utilize third parties.