

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURE

No. 1340

Supersedes: 90 91.1.1

Effective: April 12, 1990

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Date: April 11, 1990

RECOMMENDATIONS ON PROSECUTIONS

- I. **PURPOSE:** To ensure consistent, approved recommendations and information to prosecutors, defendants, defense attorneys, and the courts concerning the prosecution of persons arrested or cited by members of the Upper Merion Township Police Department.
- II. **POLICY:** The Upper Merion Township Police Department will resist efforts of defense attorneys, defendants or any other persons to have charges changed, compromised, or withdrawn. Recommendations and information concerning charges must be approved by a command officer.
- III. **RESPONSIBILITIES:**
- A. POLICE OFFICERS AND POLICE SUPERVISORS:
1. To pursue complete and successful prosecution of all charges in criminal or traffic cases during each phase of the criminal justice process. No officer below the rank of lieutenant should ever agree to any change, compromise, or withdrawal of charges.
 2. In those instances where a charge may be changed, compromised, or withdrawn the victim of the crime will be offered a full and complete explanation.
- B. COMMAND OFFICER:
1. To review, seek advice, and eventually decide whether any charge will be changed, compromised, or withdrawn. Prosecutors and the courts must agree with the decision.

IV. EXAMPLES:

1. An emotionally disturbed person is charged with a crime. Very often requests are made to withdraw criminal charges if the person seeks professional help. Our position will be to continue prosecution, and if guilty, have the court administer and supervise the professional help.
2. A student commits a misdemeanor or a felony crime and is charged. Requests are often made to reduce charges to a summary or to withdraw charges. If the misdemeanor or felony were the proper charges to begin with, we will not agree to any reduction or withdrawal.

V. CONCLUSION:

1. All personnel should remember that disposition of some charges is beyond our control. Plea bargains and ARD are responsibilities of the District Attorney's Office; however, our opinion is often solicited. Our opinion will be consistent with this policy. The court may see fit to change, compromise or withdraw some charges. We may also have to deviate from this policy because of nonappearance of victims or witnesses, again beyond our control.

APPROVED: _____

DATE: _____

APPROVED: _____

DATE: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
Township Manager
File