

Prosecuting and Defending Drug Offence Cases: A Practitioner's Handbook

Second, such a record will facilitate identification by government attorneys in the course of weighing future agreements not to prosecute, plea agreements, pre-trial diversion, and other discretionary actions of persons whom the government has agreed not to prosecute. Attorneys for the government should familiarize themselves with these alternatives and should consider pursuing them if they are available in a particular case. Authority to approve such pleadings is limited to the United States Attorney, the Chief Assistant United States Attorney, and supervisory criminal Assistant United States Attorneys, or a committee including at least one of these individuals.

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The availability of this statement of principles to federal law enforcement officials and to the public serves two important purposes: ensuring the fair and effective exercise of prosecutorial discretion and responsibility by 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.

Prosecution

When a person has committed a federal offense, it is important that the law respond promptly, fairly, and effectively. In weighing the importance of these possible consequences, the attorney for the government should consider the state of the criminal docket and the speedy trial requirements in the district, the desirability of handling a larger volume of criminal cases, and the workloads of prosecutors, judges, and defense attorneys in the district. The court must not participate in these discussions.

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