

Plea Agreements

522.1 PURPOSE

To define the authority of and procedures to be followed if a team member wishes to negotiate a plea agreement.

522.2 PROCEDURE

- (a) Only the Prosecutor's Office or a jurisdiction's City Attorney can authorize a plea agreement.
 1. With regard to violations of state statutes committed in Kalamazoo County, the Kalamazoo County Office of Prosecuting Attorney (OPA) has the sole legal authority to enter plea agreements.
 2. The OPA is NOT bound by the promises made to a suspect by the police as a matter of law.
 3. A KVET Officer may advise a suspect that a particular charge will be sought or a particular agreement will be recommended, however, whether charges will be authorized by the OPA is determined after their review of the facts of the case in light of the current state of the law.
- (b) When a suspect has provided a quantity of information or cooperation to KVET sufficient to cause KVET to make a particular recommendation about a case (charge with a lesser offense, plea to a lesser offense, or a recommendation to a more lenient sentence), the request should be made in writing to the KVET Prosecutor. The writing need not be a formal memorandum, a simple note identifying the defendant, investigation number, the fact that the defendant cooperated with KVET (details are not necessary), and the requested action (i.e. charge with a misdemeanor, recommend 7411, plead to a lesser charge, dismiss the case, or deny the warrant).
- (c) The KVET Prosecutor will generally try to offer what is recommended by KVET.
 1. The KVET Prosecutor must obtain approval of the Prosecutor or Chief Assistant if the request involves the dismissal of Armed Robbery, Felony Firearm, and Drunk Driving charges.
 2. When charges involve a victim, the input of the victim will likely be considered in fashioning a plea or sentence agreement.
 3. In general, requests to get cases adjourned for the purpose of cooperation will likely be DENIED by most of the District and Circuit Court Judges due to time constraints imposed on them by the State Court Administrator's Office.
 4. It's best to get the cooperation before charges are issued, because we have more control over the timing of the issuance of the arrest warrants than when a case is scheduled for Preliminary Examination or Trial.
 5. If a case is pending, and the defendant is cooperating, please keep the KVET Prosecutor, or other Assistant Prosecutor handling the case, advised of the status of the cooperation and what KVET is recommending.

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- (d) If KVET is seeking a specific plea agreement or sentence recommendation on a case that is not a KVET or KDPS case, as a matter of courtesy, steps should be taken to notify the other department's investigating officer that the defendant is cooperating and that recommendations are going to be made regarding the case.
- (e) All cases, where elements of the offense are identified, are to be presented to the Prosecuting Attorney or the City Attorney to review and make the decision regarding prosecution.
- (f) When a Prosecutor or City Attorney makes a decision not to prosecute and denies a warrant, the name of the reviewing attorney shall be made a part of the criminal case and included in the supplemental closure report.