

Code of Ethics for Prosecutors:

setting out standards of professional responsibility & essential duties of prosecutors

Purpose and Scope of the Code

- 1.1** The main aim of this Code of Ethics is to promote and enhance those standards and principles recognised as necessary for the proper and independent prosecution of offences. The Code of Ethics sets out the standards of conduct and practice expected of prosecutors working for, or on behalf of, the Director of Public Prosecutions. It is intended to supplement rather than to replace applicable professional codes governing the conduct of lawyers and public servants. Where prosecutors are subject to the discipline of the General Council of the Bar of Ireland or of the Incorporated Law Society of Ireland they are also obliged to act in accordance with the standards set by their respective professional body.
- 1.2** The Director of Public Prosecutions requires his own staff to adhere at all times to the Code. When the Director of Public Prosecutions engages counsel, or a solicitor who is employed by him to act on his behalf or authorises any person to prosecute in his name he expects that counsel, solicitor or authorised person to adhere to the Code and to consult him concerning any question of difficulty. Any breach of the Code which also constitutes a breach of applicable standards of a professional body may be referred to that body for consideration.
- 1.3** The Civil Service Code of Standards and Behaviour (Circular 26/04) sets out the main principles which govern the behaviour of staff in a modern Civil Service. Prosecutors who are members of the Civil Service are obliged to act in accordance with that Code subject always to the statutory guarantee of the independence of the Director of Public Prosecutions and bearing in mind the status of officers of the Director as civil servants of the State rather than the Government.
- 1.4** The Code is intended to establish minimum standards of ethical conduct. It is designed to provide general but not exhaustive, guidance to prosecutors, formulated to assist in securing and promoting the effectiveness, impartiality and fairness of prosecutors in criminal proceedings. These fundamental duties should inform all aspects of the prosecutor's work.

Independence

- 1.5** Prosecutors shall carry out their functions in accordance with section 2(5) of the Prosecution of Offences Act, 1974 which provides that the Director of Public Prosecutions shall be independent in the performance of his functions. They shall exercise their functions free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.

Responsibility

- 1.6** Prosecutors shall:
- (a) at all times uphold the rule of law, the integrity of the criminal justice system and the right to a fair trial;
 - (b) at all times respect the fundamental right of all human persons to be held equal before the law, and abstain from any wrongful discrimination;
 - (c) be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, colour, gender, religion, national origin, disability, age, marital status, sexual orientation, and social and economic status and refrain from manifesting, by words or conduct, bias or prejudice based on such differences, except such as are legally relevant to an issue in proceedings and may be the subject of legitimate advocacy;
 - (d) inform the Director of any instances where a public official may have committed a criminal offence or acted improperly in the course of a criminal investigation or prosecution with a view to the Director referring the matter to the appropriate authorities to take any necessary action;
 - (e) bring to the Director's attention any instance of which the prosecutor becomes aware where a public official may have engaged in other serious misbehaviour and it is appropriate that the Director should take or initiate action in the matter;
 - (f) give due attention to the prosecution of crimes of corruption, abuse of power, violations of human rights and other crimes recognised by international law, in particular offences which may have been committed by public officials.

Integrity

1.7 Prosecutors shall:

- (a) at all times maintain the honour and dignity of their profession;
- (b) always conduct themselves professionally, in accordance with the law and the rules and ethics of their profession;
- (c) at all times exercise the highest standards of integrity and care and ensure that their conduct is above reproach;
- (d) avoid impropriety and the appearance of impropriety and avoid situations which might reasonably give rise to the suspicion or appearance of favouritism or partiality;
- (e) not, through their behaviour and conduct, compromise the actual, or the reasonably perceived, integrity, fairness or independence of the Office of the Director of Public Prosecutions and in particular must not accept any gift, prize, loan, favour, inducement, hospitality or other benefit in relation to anything done or to be done or omitted to be done in connection with the performance of their duties or which may be seen to compromise their integrity, fairness or independence. A prosecutor may, subject to law and to any legal requirements of public disclosure, receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit could not reasonably be perceived as intended to influence the prosecutor in the performance of his or her duties or otherwise give rise to an appearance of partiality;
- (f) at all times act in accordance with any applicable duties under the Ethics in Public Office Acts, 1995 and 2001;
- (g) not allow the prosecutor's family, social or other relationships improperly to influence the prosecutor's conduct as a prosecutor;
- (h) not use or lend the prestige of their position as prosecutors to advance their private interests or those of a member of their family or of anyone else, nor shall prosecutors convey or permit others to convey the impression that anyone is in a special position improperly to influence them in the performance of their duties;
- (i) not knowingly permit any person subject to the prosecutor's influence, direction or authority, to ask for, or accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done in connection with his or her duties or functions;
- (j) not use or disclose confidential information acquired in their capacity as a prosecutor for any purpose unconnected with the performance of their duty or the needs of justice;
- (k) carry out their functions honestly, fairly, consistently impartially and objectively and without fear, favour, bias or prejudice;

- (l) conduct themselves in such a way as to retain public confidence in their professional impartiality;
- (m) remain unaffected by individual or sectional interests and public or media pressure having regard only to the public interest;
- (n) disqualify themselves from participating in any prosecution in which they are unable to act impartially or in which it may appear to a reasonable observer that such is the case. Such proceedings include, but are not limited to, instances where:
 - i) the prosecutor has actual bias or prejudice concerning an accused, complainant or witness;
 - ii) the prosecutor previously served as a lawyer for another party, or was a material witness, in the prosecution;
 - iii) the prosecutor, or a member of the prosecutor's family, has an interest in the outcome of a prosecution;
 - iv) a person who is connected with the prosecutor in the sense of section 2(2) of the Ethics in Public Office Act, 1995 has an interest in the outcome of the prosecution of which the prosecutor has actual knowledge;
- (o) bring to the attention of the Director any circumstances which might reasonably lead a member of the public or party having an interest in a case to perceive any conflict of interest or lack of impartiality on the part of the prosecutor.

Competence

- 1.8** Prosecutors shall take reasonable steps to maintain and enhance their knowledge, skills and the personal qualities necessary for the proper performance of their duties, keeping themselves well-informed of relevant legal developments, including applicable human rights norms, taking advantage for this purpose of those training and other facilities which are available to them.