

## National Prosecution Service Manual

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This book examines a prosecutor's ethical responsibilities throughout the criminal justice process in both federal and state practice, and explores constitutional and ethical constraints on prosecutorial discretion. Topics are ordered sequentially as they occur in the progression of a typical criminal case, including the prosecutor's role in the conduct of investigations, contacting and interviewing witnesses, grand jury practice, charging, pre-trial discovery, plea bargaining, jury selection, trial conduct, sentencing, media contacts and post-conviction remedies. The focal point of discussion in each of these areas is a prosecutor's ethical responsibilities under the American Bar Association's Model Rules of Professional Conduct (through 2019) drawing frequent comparisons to significant state variations on the Model Rules, and supplemental guidance provided by the ABA's Criminal Justice Standards: Prosecution Function; the National District Attorneys Standards; and, the Justice Department Manual. The authors also examine constitutional constraints on prosecutorial discretion (particularly under the 5th and 6th Amendments) that at times may deviate from or supplement ethical norms. For the purposes of brevity and ease of reference, the book deviates from the traditional casebook format by summarizing rather than reprinting significant case decisions. Each chapter concludes with practical problems designed to promote class discussion about the appropriate exercise of prosecutorial discretion in hypothetical situations. The book is designed to be used either in a stand-alone seminar on prosecutorial ethics, or as a companion to materials used in a prosecution clinic.

This comparative analysis examines the scope of prosecutorial powers at different phases of criminal investigation in four countries: the United States, Italy, Poland, and Germany. Since in all four the number of criminal cases decided without trial is constantly increasing, criminal investigation has become central in the criminal process. The work asks: who should be in charge of this stage of the process? Prosecutors have gained tremendous powers to influence the outcome of the criminal cases, including powers once reserved for judges. In a system in which the role of the trial is diminishing and the significance of criminal investigation is growing, this book questions whether the prosecutor's powers at the early stage of the process should be enhanced. Using a problem-oriented approach, the book provides a parallel analysis of each country along five possible spheres of prosecutorial engagement: commencing criminal investigation; conducting criminal investigation, undertaking initial charging decisions; imposing coercive measures; and discontinuing criminal investigation. Using the competing adversarial-inquisitorial models as a framework, the focus is on the prosecutor as a crucial figure in the criminal process and investigation. The insights of this book will be of interest and relevance to students and academics in criminal justice, criminology, law, and public policy, as well as policymakers, government officials, and others interested in legal reform.

Prosecutors are powerful figures in any criminal justice system. They decide what crimes to prosecute, whom to pursue, what charges to file, whether to plea bargain, how aggressively to seek a conviction, and what sentence to demand. In the United States, citizens can challenge decisions by police, judges, and corrections officials, but courts keep their hands off the prosecutor. Curiously, in the United States and elsewhere, very little research is available that examines this powerful public role. And there is almost no work that critically compares how prosecutors function in different legal systems, from state to state or across countries. Prosecutors and Politics begins to fill that void. Police, courts, and prisons are much the same in all developed countries, but prosecutors differ radically. The consequences of

these differences are enormous: the United States suffers from low levels of public confidence in the criminal justice system and high levels of incarceration; in much of Western Europe, people report high confidence and support moderate crime control policies; in much of Eastern Europe, people ' s perceptions of the law are marked by cynicism and despair. Prosecutors and Politics unpacks these national differences and provides insight into this key area of social control. Since 1979 the Crime and Justice series has presented a review of the latest international research, providing expertise to enhance the work of sociologists, psychologists, criminal lawyers, justice scholars, and political scientists. The series explores a full range of issues concerning crime, its causes, and its cure.

"Project of the American Bar Association, Criminal Justice Standards Committee, Criminal Justice Section"--T.p. verso.

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