

Statement of Prosecution Policy and Practice released

The Director of Public Prosecutions, Mr Grenville Cross, SC, of the Department of Justice today (December 23) released “The Statement of Prosecution Policy and Practice”, which is the new Code for Prosecutors.

Mr Cross said the preparation of The Statement had been a significant criminal justice initiative of the Prosecutions Division of the Department of Justice for 2007-2009.

“The Statement has revised the earlier prosecution policy guidelines, and new areas of prosecutorial responsibility are incorporated”, he added. The first prosecution policy guidelines were issued in 1993, and these were updated in 1998 and again in 2002.

Mr Cross said that in formulating The Statement, regard had been had to “the experiences of prosecutors in recent years as well as to the interests of the community. Developments in other major common law jurisdictions have been examined, including Australia, Canada, Ireland, New Zealand and the United Kingdom. Regard was also had to the latest thinking of our counterparts in the International Association of Prosecutors.”

He said that “As a modern prosecution service, we are committed to openness in our dealings with the community. We believe in as much transparency as is consistent with our duty to protect the interests of those who are suspected of crime.”

New chapters that have been incorporated include: the prosecutor and the unrepresented accused; the conduct of domestic violence cases by the prosecutor; the prosecutor and the recovery of costs; the prosecutor and the proceeds of crime; the prosecutor and the media; the judicial review of a prosecution decision; and the statement of principle for those who prosecute.

In addition to incorporating new chapters, The Statement develops the guidance provided to prosecutors in 2002 in such areas as role and ethics, the duty of disclosure, the victim of crime, the sentencing process and appeals against conviction.

Mr Cross called The Statement “a modern code which emphasises our common law traditions”, and said it explained “the standards, policies and practices of the modern prosecutor”. The Statement would “make a valuable contribution to our criminal justice system in the years to come”.

The Statement will be issued to Public Prosecutors, Court Prosecutors, Departmental Prosecutors and Counsel who prosecute on fiat, and will become operational on January 2, 2009.

The Statement will be made available to the general public from today, and it will be placed on the homepage of the Department of Justice at <http://www.doj.gov.hk/eng/public/pubsoppapto.htm>

Ends/Tuesday, December 23, 2008