



The 17th Annual Conference and General Meeting of the International Association of Prosecutors

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**The role of the prosecutor in maintaining public
confidence and trust in the fight against transnational
organized crime**

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1. The purpose of the criminal justice system

- Preserve public order and decency.
- Protect individuals and their property from harm – provide sufficient safeguards against exploitation and corruption of others, especially the vulnerable.
- Punish those who deserve punishment – includes incapacitation, deterrence, reformation and reparation.

2. The role of the prosecutor

- Key role in meeting the objectives of the criminal justice system – upholding the just rule of law.
- Paramount objective to enforce the law. Society expects it.
- Public prosecutor acts on behalf of the public and not on behalf of the government or law enforcement. Public responsibility.
- Deal with criminal cases fairly and properly ensuring that all persons are treated equally before the law and the law is applied equally to all persons.

3. The importance of public confidence and trust

- Public have a legitimate interest and stake in the work of the prosecution service.
- Criminal justice system must have the confidence and trust of the public.
- Securing public order by the exercise of power and without the confidence and trust of the public will fail to establish the requisite legitimacy to fulfil this role.

4. Defining public confidence and trust

- Public confidence is where the community are assured and satisfied by the professionalism and integrity of the prosecution service.
- Public trust is where the community can rely on the prosecution service to do its job resolutely without fear or favour.
- Public confidence and trust in the fairness and effectivity of the prosecution service.

5. The fight against transnational organized crime

- Transnational crime is a transnational problem.
- Organized crime versus Disorganized law enforcement.
- Fragmentation of law enforcement. Specialist bodies have limited focus. Promote own charter and reluctant to take a wider responsibility. Need to monitor and coordinate.
- Danger of too many laws and over regulation.
- Prosecutorial responsibility should be independent and separate from investigatory function.

6. **Securing public confidence and trust**

- Doing a professional job and getting it right.
- Being fair but firm. Getting just results.
- Not operating behind closed doors – being open and accountable.
- Published guidelines and policy. Policy statements as to the making of decisions and the handling of cases, including dealings with victims and witnesses.
- Explaining decisions.
- Engaging the public and addressing public concern.

7. Professional competency and efficiency – being independent and professional

- Training and experience. Developing and maintaining a high level of legal skills.
- Providing appropriate reference texts and support.
- Maintaining independence and control over prosecutions.
- Monitor and review of cases.
- Partnership with the private profession.

8. **Openness and accountability – being fair and honest**

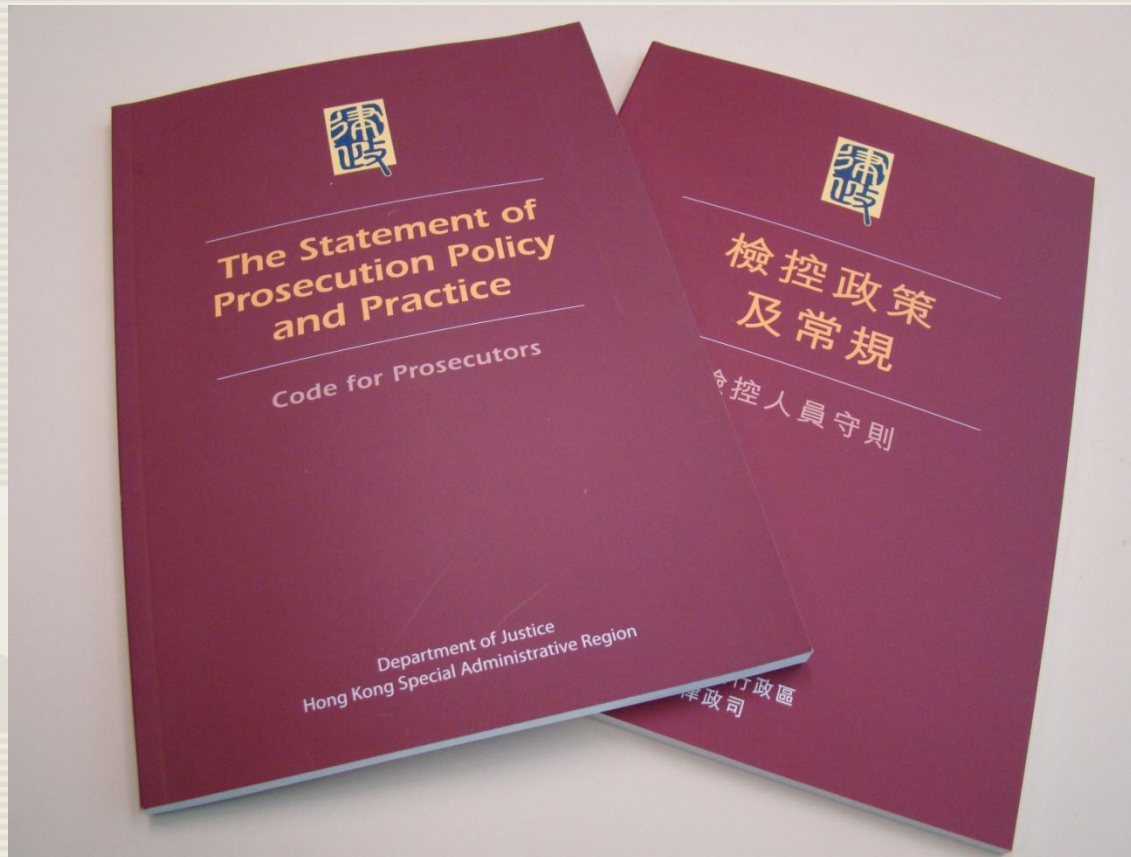
- Performing the role of minister of justice. Not to win convictions at any cost.
- Published guidelines and policy.
- Preparedness to explain and discuss decisions.
- Addressing criticisms and reviewing failed prosecutions.
- Being accountable to the courts, interested parties, the public and the legislature.

9. Forming a partnership with the community

- Public have a right to know.
- Public know more and expect more.
- Increase public awareness and knowledge of the criminal justice system and the role and work of the prosecution service.
- Explain public's civic duties and responsibilities in the pursuit of criminal justice.
- Encourage to report crime and assist the authorities – as to inquiries and as a witness.
- Take the mystic out of the law. Ensure the law is explained in plain and understandable terms.

10. Maintaining a dialogue and contact with the community

- Publication of policy statements.

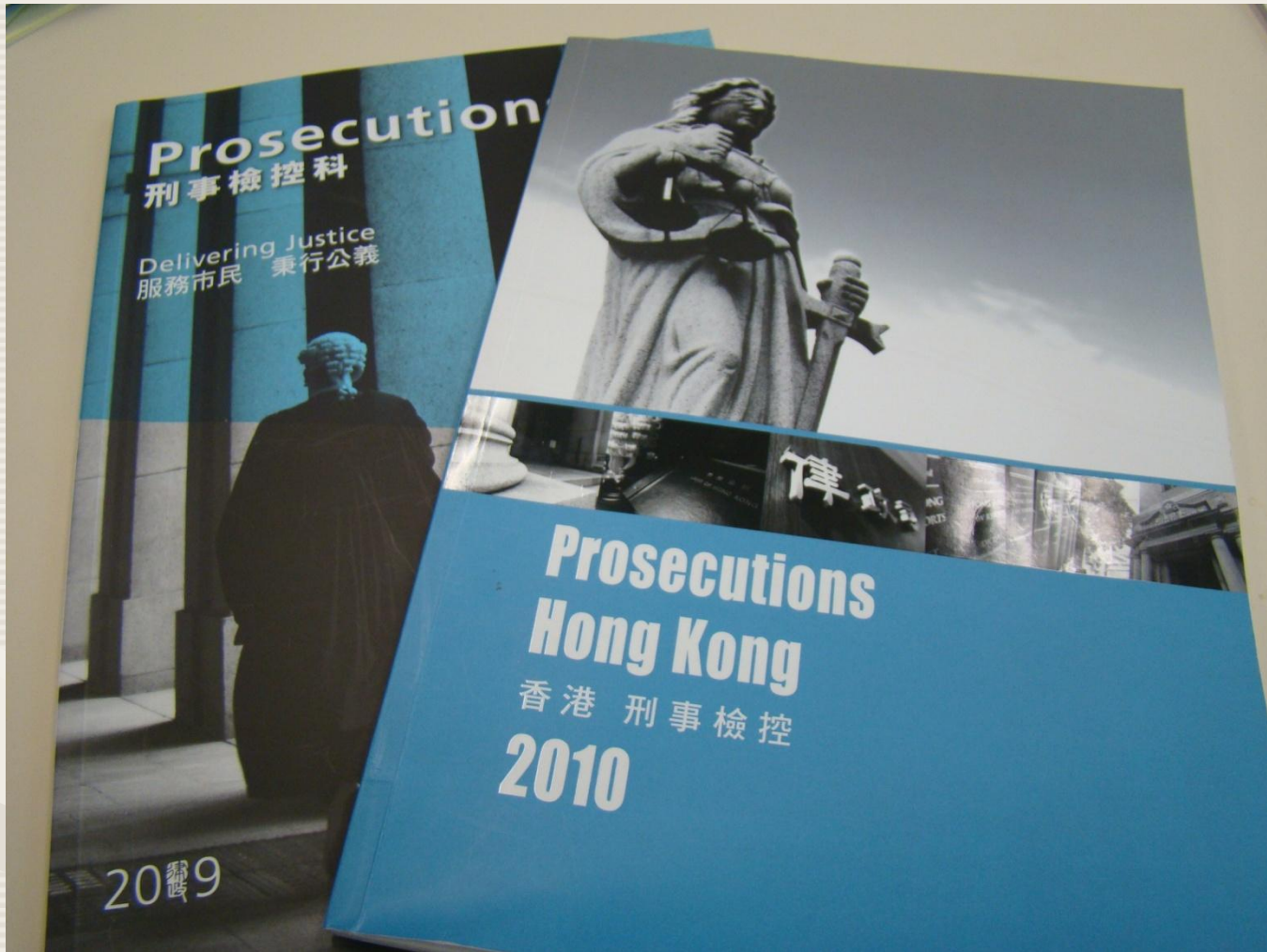


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- Publication of yearly report.



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- Prosecution Week - Promotion of the prosecution service.
 - Brochure as to the prosecution service.
 - Rule Out Crime and Rule of Law rulers.



- Talks to schools and community groups.



- Mock trials



- Talks and seminars.



- Media relations



- Websites.
- Complaints and Feedback.

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Complaints

For complaints about prosecution cases or government litigation cases, you may contact the respective divisions of this Department with the following contact details –

Subject Matter	Complaint Channel
Prosecution Cases	<p>Address: Prosecutions Division, Department of Justice, 5-7/F, High Block, Queensway Government Offices, 66 Queensway, Hong Kong</p> <p>Tel: (852) 2867 2258 Fax: (852) 2877 0171 Email: prosrdu3@doj.gov.hk</p>
Government Litigation Cases	<p>Address: Civil Division, Department of Justice, 2/F, High Block, Queensway Government Offices, 66 Queensway, Hong Kong</p> <p>Tel: (852) 2867 2357 Fax: (852) 2869 0062 Email: cd@doj.gov.hk</p>

Any further complaints can also be raised to us by addressing to the above divisions.

11. New forms of communication – using social networks

- Media and New Media.
- New media as a source of information and a means of communication. Official blog.
- Care and caution in dealing with social networks as a gauge of public views or form of communication to and from the public.
- Public opinion (public sentiment or views expressed by public bodies or members of the public) versus Public interest (what is best for the public good).
- Guidelines in dealing with the media.

12. Gauging and addressing public concern

- Individual complaints and feedback.
- Court decisions a measure of the work of the prosecution service.
- Engagement with the profession and the community.
- Media and New Media (Official blog).
- Legislature.

13. Securing public confidence and trust in the fight against transnational organized crime

- In common law jurisdictions the division of responsibility between investigatory agencies and the prosecution authority. The responsibility of the prosecutor is to make sure that criminal matters are investigated, and investigated properly.
- Tackle the difficult as well as the easy cases.
- Laws not being enforced – need to speak up.
- Getting the right results by fair and proper means.

14. Effective tackling of transnational organized crime

- Covert surveillance/controlled operations.
- Undercover operations.
- Investigate major miscreants.
- Witness protection programme.
- Mutual Legal Assistance/international cooperation
(Successful enforcement action against criminal syndicates will result in dismantling the syndicate or may move to other jurisdictions e.g. copyright infringement, credit card fraud.)
- Appropriate investigatory powers and offence regime with appropriate forms of punishment.
- Disgorge the profits of crime/anti-money laundering measures.

15. Conclusion

- Public confidence and trust is the lifeblood of a prosecution service. Without it, a prosecution service will fail to establish the requisite legitimacy to fulfil its role.
- Need to earn public confidence and trust through good work by being fair and effective.
- Important to form a partnership with the community.
- A better educated community with respect to criminal justice is able to provide better understanding and support.