

II. ETHICAL AND PROFESSIONAL RESPONSABILITIES AS A PROSECUTOR

A. Ethical Conduct

1. A prosecutor's ethics and professional conduct is paramount to his or her position. A prosecutor's first duty is to justice and the truth. Any conduct contrary to these principles will be dealt with swiftly. While we recognize that there is a difference between prosecutorial misconduct and prosecutorial error, please keep in mind that, often, this distinction may not always be recognized by appellate courts, defense attorneys, the media and the public.
2. All ADA's must read and refer to the most current edition of the DAASNY Ethical Guide, "Do the Right Thing." Each ADA must sign a statement that they have read this guide and are familiar with its contents.
3. Additionally, the ethical and professional responsibilities of a prosecutor are detailed in the National Prosecution Standards, published by the National District Attorney's Association. All ADAs should be familiar with these standards.
4. Remember that any "wrongful" conviction starts with a "wrongful" arrest. Ensure that any case we indict is properly charged and legally supported by evidence admissible at trial.
5. All ADAs are individually responsible for ensuring that exculpatory evidence such as Brady/Giglio material is identified and provided to the defense and the court. This notification and turnover of exculpatory material must be documented in writing and on the record.
6. If, at any time during the handling of your case, you discover exculpatory evidence such as Brady/Giglio material, you are to immediately notify the Chief Assistant District Attorney or the District Attorney and, with their assistance, determine the quickest way to notify the defendant's attorney and the court.
7. Remember that "use of force" reports are Rosario material. You should review all "use of force" reports to ensure you are aware of the entirety of the officer's conduct in the arrest as well as defendant's conduct and any admissions or statements he may have made during the course of the arrest. You should also personally speak with any involved officers, and get their input on the incident as well as any disposition.